

Manzanar Four-Lane Widening Project



Environmental Assessment with a Finding of No Significant Impact Initial Study with a Negative Declaration

U.S. Route 395 near Independence in Inyo County
1.0 kilometer (0.6 mile) south of Los Angeles Aqueduct Bridge # 48-14
to 2.9 kilometers (1.8 miles) south of Mazourka Canyon Road

09-INY-395-KP 104.6 to KP 114.6
(PM 65.0/71.2)
09-214400



April 2004



General Information About This Document

What's in this document?

The Department of Transportation and the Federal Highway Administration have prepared this Environmental Assessment with a Finding of No Significant Impact and an Initial Study with a Negative Declaration, which examines the potential environmental impacts of alternatives for the proposed project located in Inyo County, California. The document describes why the project is being proposed, alternatives for the project, the existing environment that could be affected by the project, the potential impacts from each of the alternatives, and the proposed avoidance, minimization and/or mitigation measures.

The document describes why the project is being proposed, alternative methods for constructing the project, the existing environment that could be affected by the project and potential impacts from each of the alternatives.

A preliminary Environmental Assessment/Initial Study, dated July 2003, was circulated to the public from July 1, 2003 to August 15, 2003. Three comments were received on that document during the circulation period. The comments and the responses to comments are listed in Appendix K of this document. A vertical line in the outside margin of the text indicates changes made to the document since the draft document was circulated. This information supercedes and/or clarifies information contained in the Initial Study/Environmental Assessment dated July 2003. Project Alternative 2 has been selected as the preferred alternative because it is the least disruptive to the environment, minimizes impacts to a National Historic Site and meets the purpose and need of the project.

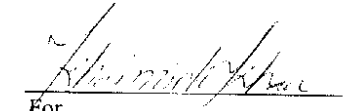
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**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR**

**Manzanar Four-Lane Widening Project
On U.S. Highway 395
Inyo County, California**

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment.

May 13, 2004
DATE


For
Gene K. Fong
Division Administrator
Federal Highway Administration



Widen U.S. Route 395 to a Four-Lane Expressway near Independence 1.0 kilometer (0.6 miles) South of the Los Angeles Aqueduct Bridge # 48-14 to 2.9 kilometers (1.8 miles) South of Mazourka Canyon Road from KP 104.6 to KP 114.6 (PM 65.0 to PM 71.2) in Inyo County

**ENVIRONMENTAL ASSESSMENT/
INITIAL STUDY**

Submitted Pursuant to: (State) Division 13, Public Resources Code
(Federal) 42 USC 4332(2)(C)

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration, and
THE STATE OF CALIFORNIA
Department of Transportation

6/5/03

Date of Approval



Mike Donahue
Branch Chief,
Southern Sierra Environmental Branch
Central Region Environmental Planning
California Department of Transportation

6/17/03

Date of Approval

For 

Gary N. Hamby
Division Administrator
Federal Highway Administration



Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to widen U.S. Route 395 from a two-lane highway to a four-lane controlled access expressway near Independence from 1.0 kilometer (0.6 mile) south of the Los Angeles Aqueduct Bridge #48-14 to 2.9 kilometers (1.8 miles) south of Mazourka Canyon Road from kilometer posts 104.6 to 114.6 (post miles 65.0 to 71.2) in Inyo County.

Determination

Caltrans has prepared an Initial Study, and determined from this study that the proposed project would not have a significant effect on the environment for the following reasons:

- There would be no significant effects on social or educational facilities, floodplains or to any publicly owned park or recreation area. There would be no significant impacts on air and water quality. Noise levels would not increase near sensitive receptors and no hazardous waste sites are currently known to exist in the area. No endangered or threatened animals and plant species would be affected.
- Minor impacts to riparian areas and aesthetic impacts would be mitigated to a level of insignificance. Impacts to grazing land would be insignificant given the abundance of low-quality scrub vegetation.
- Impacts to cultural resources would be mitigated under the provisions of the Caltrans, Federal Highway Administration and the State Historic Preservation Officer Memorandum of Agreement. Recorded portions of all historic sites outside the Area of Potential Effects would be designated as Environmentally Sensitive Areas during construction. Archaeological monitoring would also be undertaken during construction as insurance against unanticipated effects upon sites.



Mike Donahue
Branch Chief, Southern Sierra Environmental Branch
Central Region Environmental Planning
California Department of Transportation

5-14-04

Date



Summary

The California Department of Transportation (Caltrans) and the Federal Highway Administration propose to widen U.S. Route 395 from a two-lane highway to a four-lane controlled access expressway near Independence in Inyo County. The proposed project is located from 1.0 kilometer (0.6 mile) south of the Los Angeles Aqueduct Bridge #48-14 to 2.9 kilometers (1.8 miles) south of Mazourka Canyon Road, from kilometer posts 104.6 to 114.6 (post miles 65.0 to 71.2). It would upgrade approximately 10 kilometers (6 miles) of existing two-lane conventional highway to a four-lane expressway.

Purpose and Need. U.S. Route 395 is a vital transportation corridor connecting the Eastern Sierra Region of California and Western Nevada to the Southern California metropolitan areas. All goods and services must arrive via U.S. Route 395 since there are no rail services. The corridor is also important to tourism. Truck traffic comprises 16.6 percent of the traffic volume.

The proposed project would improve the level of service of the roadway and would provide increased capacity to meet present and future traffic demands. The Caltrans District 9 Office of System Planning identifies a Level of Service of D for the existing highway. Level of Service indicates how freely traffic flows and is defined in categories from A (best) to F (worst). The current Level of Service D is expected to deteriorate by 2029. The proposed project would improve the Level of Service to Level of Service A. The proposed project would ease peak traffic congestion and queuing, remove passing restrictions, separate opposing traffic through a wide median, and provide for emergency parking area with standard-width shoulders. The additional lanes would reduce unsafe passing maneuvers and provide route continuity.

Project Alternatives. Originally, four alternatives were considered for this project. After initial analysis, a four-lane conventional (all-paved) alternative was eliminated from further consideration due to the higher accident potential and identical costs compared to the other alternatives, leaving two build alternatives—Alternatives 1 and 2—and a no-build alternative. Alternatives 1 and 2 propose to convert the two-lane conventional highway to a four-lane expressway by constructing two new northbound lanes east of the existing highway. Both alternatives would use the existing right-of-way, which ranges from 30 to 91.4 meters (100 to 300 feet) wide. An additional 43.5 hectares (107.6 acres) of public land would be needed for Alternative 1, and 53.6

hectares (132.5 acres) would be needed for Alternative 2. No homes or businesses would be affected by either build alternative. In addition, approximately 8.4 hectares (21 acres) of land would be relinquished to the National Park Service (5.6 hectares/14 acres) and Department of Water and Power, City of Los Angeles (2.8 hectares/7 acres) for Alternative 2. Alternative 2 has been selected as the preferred alternative because it would provide operational improvements by preserving the existing two lanes as a frontage road to serve the Manzanar National Historic Site.

The major design difference between Alternative 1 and Alternative 2 is in the vicinity of the Manzanar National Historic Site. In this area, Alternative 2 would shift the alignment 44 meters (144 feet) east of the existing roadway to build a new four-lane roadway approximately 3.0 kilometers (1.8 miles) long. The existing two lanes would be preserved and serve as a frontage road to provide access to the National Historic Site, as well as sight and noise separation from the expressway and operational improvements. In comparison, for Alternative 1, the existing two-lane highway would be converted into the southbound lanes in this area close to the National Historic Site, providing fewer operational improvements and no sight and noise separation for the Manzanar National Historic Site.

No-Build Alternative. The No-Build Alternative does not meet the project purpose and need to improve the highway Level of Service, highway design features and route continuity.

Preferred Alternative - Construct four-lane highway with median and frontage road (Alternative 2). Alternative 2 would build a four-lane divided highway by using the existing lanes as the southbound lanes, constructing two new lanes for the northbound lanes and adding a 30.5-meter-wide (100-foot-wide) median. In the vicinity of the Manzanar National Historic Site, the alignment would shift 44 meters (144 feet) east of the existing roadway and Caltrans would build a new four-lane roadway, approximately 3.0 kilometers (1.8 miles) long. The existing two lanes would be preserved and serve as a frontage road to provide access to the National Historic Site. Following completion of the new U.S. Route 395 alignment, the National Park Service would assume ownership and maintenance responsibilities for the former state highway. The environmental impacts associated with both build alternatives are similar. Alternative 2 is the preferred alternative, because it would provide operational improvements for the Manzanar National Historic Site. See project alternatives summary table for cost comparison.

Phasing. Because of funding constraints, the construction of the project is likely to be phased.

Phase I will construct new northbound lanes separated from the existing lanes by a 30.5-meter (100-foot) wide median. Throughout the project length, the existing lanes will be utilized for southbound traffic. The southbound lanes will be constructed, except where the lanes transition to the east of the existing highway at the Manzanar National Historic Site. Through this section, the existing roadway will remain unchanged and utilized as southbound lanes.

Phase II consists of constructing new southbound lanes to the east of the existing highway (and west of the new northbound lanes) in the vicinity of the Manzanar National Historic Site. The existing lanes along this segment will be used as a future frontage road for the Manzanar National Historic Site.

Environmental Consequences and Mitigation. The primary impacts associated with Alternative 1 and Alternative 2 are similar. Construction of this project would have minor impacts on riparian resources, cultural resources and aesthetic values that would be mitigated as described in the following sections.

Water Quality. This project lies within the confines of the Owens Valley Groundwater Basin. The Los Angeles Department of Water and Power has 14 wells throughout the length of the project. Eleven of them would require abandonment for Alternative 1, nine of them for Alternative 2. One of the wells (#1010) affected by Alternative 1 is a production well, while the other wells are monitoring wells only.

The proposed project crosses the creek beds of Georges Creek, Bairs Creek, Shepherd Creek, and the Los Angeles Department of Water and Power Aqueduct, and ends 20 to 30 meters (50 to 100 feet) south of the crossing of Symmes Creek (part of the Independence Four-Lane project).

Channel work in Georges, Bairs and Shepherd creeks must conform to the requirements of the Best Management Practices as outlined in the Lahontan Regional Water Quality Control Board's previously issued Board Order No. 6-87-57. Because the total site disturbance exceeds 2 hectares (5 acres), a Storm Water Pollution Prevention Plan would be required. These measures, along with Fish and Game's 1601 permit and Caltrans' Standard Specifications, would provide sufficient controls to prevent any short-term impacts during construction. There are no wetlands in the project limits according to the Army Corps of Engineers' guidelines. There are minor impacts to "Other Waters" expected that would be mitigated.

Biology. No direct or indirect impacts are expected to occur to any special-status species. Alternative 1 would have approximately 31.48 hectares (77.79 acres) of temporary, and 13.10 hectares (32.35 acres) of permanent, impacts to vegetation. Of those total impacts, 0.23 hectare (0.57 acre) of riparian vegetation would experience temporary impacts, while 0.21 hectare (0.52 acre) would experience permanent impacts.

Alternative 2 (the preferred alternative) would have 31.40 hectares (77.60 acres) of temporary, and 16.34 hectares (40.38 acres) of permanent, impacts to vegetation. Of those total impacts, 0.25 hectare (0.62 acre) of riparian vegetation would experience temporary impacts, while 0.21 hectare (0.52 acre) would experience permanent impacts. Caltrans' standard Duff Provision would be applied to the proposed project area in efforts to mitigate temporary and permanent impacts to natural vegetation. Areas of disturbance would be kept to the minimal area necessary to construct the project. Areas of temporary disturbance would be re-vegetated using a combination of grass, shrub and tree species native to the area.

Cultural. Cultural resources studies identified 27 archaeological properties within the proposed project area. The site of the Manzanar Relocation Center is listed on the National Register of Historic Places. The Los Angeles Aqueduct was previously determined eligible for the National Register of Historic Places. However, the segment of the aqueduct in the project area does not contribute to that eligibility, because of severely compromised integrity. Along with consultation with the State Historic Preservation Officer, the remaining 25 properties were evaluated according to the National Register criteria. Eight of the archaeological sites were determined eligible for the National Register, and one site is indeterminate until construction activities will bring clarification. The Inyo County Wagon Road and the remaining 16 archaeological sites do not meet the criteria for eligibility to the National Register (see Appendix H).

The preferred Alternative 2 would affect three of the eight eligible properties. The site with a current indeterminate eligibility status would be monitored during construction, and conditions would be imposed on the project to preclude adverse effects to the remaining four properties. Mitigation for the impacts to the three affected sites would be developed in consultation with the State Historic Preservation Officer, and the provisions would be documented in a Memorandum of Agreement between the agencies.

Visual. Based on the visual evaluations performed in this assessment, the loss in visual quality does not appear to be major for either alternative. Where views are considered to be affected, riparian mitigation measures would be implemented to minimize these visual impacts. The trees and native plant species associated with riparian (stream bank) areas would be replaced to maintain the natural character of the area. In addition, topsoil or “duff” would be removed from newly graded areas, stockpiled and replaced on the finished grade to return the native seed stock to the disturbed area.

Coordination. Caltrans consulted with U.S. Fish and Wildlife Service, California Department of Fish and Game, Los Angeles Department of Water and Power, Inyo County Local Transportation Commission, State Senator Quentin Kopp, and the Native American Heritage Commission during the course of the environmental studies for the proposed project. Coordination has also taken place with the Manzanar Committee, the U.S. Department of the Interior, and the National Park Service during archaeological surveys and design of the road connection to the Manzanar Historic Site.

A Public Information Meeting/Open House was held Monday, August 10, 1998, from 5:00 p.m. to 7:00 p.m. at the Inyo County Board of Supervisors’ chambers in Independence, California. On February 10, 2003, an additional public meeting was held at the American Legion Hall in Independence, California, in coordination with the Independence and Black Rock projects to discuss right-of-way issues with the public. During the public comment period (July 1, 2003 through August 15, 2003) an opportunity for a public hearing was given to the public but no request was made.

Permits. A permit would be required from the California Department of Fish and Game for a Section 1601 streambed alteration agreement, along with Nationwide 404 permits #14 and #33, required from the Army Corps of Engineers. The California Regional Water Quality Control Board would have jurisdiction over construction activities adjacent to waterways under the Clean Water Act, Section 401.

A summary of the potential impacts from each alternative is provided in the following table.

Summary of Potential Impacts from Alternatives

| Potential Impacts | | No Action | Alternative 1 | Alternative 2 |
|-------------------------------------|----------------------------|-----------|---|---|
| Relocation | Business Displacement | No | No | No |
| | Housing Displacement | No | No | No |
| | Utility Service Relocation | No | Yes | Yes |
| Air Quality | | No | No | No |
| Noise | | No | No | No |
| Waterways and Hydrologic Systems | | No | Minor impacts to three "Other Waters of the U.S." | Minor impacts to three "Other Waters of the U.S." |
| Water Quality | | No | No | No |
| Floodplain | | No | No | No |
| Threatened or Endangered Species | | No | No | No |
| Historical and Archaeological Sites | | No | Three sites affected | Three sites affected |
| Hazardous Waste Sites | | No | No | No |
| Visual | | No | No | No |
| Construction | | No | No | No |

Costs (January 2004)

| | Alternative 1 | Alternative 2 |
|--------------------|---------------|---------------|
| Construction Costs | \$13,143,000 | \$14,502,000 |
| Right-of-Way Costs | \$895,000 | \$840,000 |
| Permits | 4,000 | 4,000 |
| Total | \$14,042,000 | \$15,346,000 |

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List of Abbreviated Terms

| | |
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| Caltrans | California Department of Transportation |
| CEQA | California Environmental Quality Act |
| EIC | Eastern Information Center of the California Historical Resources Information System at the University of California, Riverside |
| FEMA | Federal Emergency Management Agency |
| FHWA | Federal Highway Administration |
| km | kilometer(s) |
| KP | Kilometer post |
| LOS | Level of Service |
| MOA | Memorandum of Agreement |
| NEPA | National Environmental Policy Act |
| NES | Natural Environmental Study |
| NPDES | National Pollutant Discharge Elimination System |
| PM | Post Mile |
| SHPO | State Historic Preservation Officer |



Chapter 1 Purpose and Need

1.1 Introduction

The Manzanar Four-Lane Widening Project encompasses a 10-kilometer-long (6.2-mile-long) portion of U.S. Route 395 in Inyo County. It lies approximately 3.2 kilometers (2 miles) south of the town of Independence between kilometer posts 104.6 and 114.60 (post miles 65.0 and 71.2). The project vicinity map is shown in Figure 1.1, and the project location map is shown in Figure 1.2. The project limits run from one kilometer (0.6 mile) south of the Los Angeles Aqueduct Bridge #48-14 to 2.9 kilometers (1.8 miles) south of Manzanar Canyon Road.

The original Project Study Report for this project was approved in June 1991. The project limits were originally from kilometer posts 104.9 to 121.7 (post miles 65.2 to 75.6). The project was programmed during the 1992 State Transportation Improvement Program cycle to be delivered in the 1998/1999 fiscal year at an escalated (for inflation) estimated cost of \$25,516,000. In January 1992, the project was down-scoped with revised project limits from kilometer posts 104.9 to 114.6 (post miles 65.2 to 71.2). In the 1994 State Transportation Improvement Program revision, the project was delayed to the 1999/2000 fiscal year for a total escalated project estimate of \$9,536,000. During the 1996 State Transportation Improvement Program process, the project took a dramatic cost reduction. The escalated project estimate was reduced to \$5,647,000, escalated to the 2002/2003 fiscal year. In the 1998 State Transportation Improvement Program process, the project's programmed dollar amount was increased to \$11,461,000, escalated to the 2002/2003 fiscal year. During the 1998 State Transportation Improvement Program revision, the project's programmed dollar amount was once again changed to \$15,976,000, escalated to the 2002/2003 fiscal year. This change reflected the anticipation of unsuitable materials for road construction at the southern portion of the project, an increase in the structure estimated from the updated Advance Planning Study, and an increase in the quantity and cost of asphalt concrete.

The estimated project capital costs are \$16,855,000 that includes \$15,847,000 for construction and \$1,008,000 for acquisition of right-of-way (both escalated to the 2006/2007 fiscal year).

Originally, four alternatives were considered for this project. After initial analysis, the four-lane conventional (all-paved) alternative was eliminated from further

consideration due to the higher accident potential and identical costs compared to the other alternatives, leaving the two build alternatives, Alternatives 1 and 2, and a no-build alternative.

Alternatives 1 and 2 propose to convert a two-lane conventional highway to a four-lane expressway by constructing two new northbound lanes east of the existing highway. Both alternatives would use the existing right-of-way, which ranges from 30 meters to 91.4 meters (100 feet to 300 feet) wide. An additional 43.5 hectares (107.6 acres) of public land are needed for Alternative 1, and 53.6 hectares (132.5 acres) for Alternative 2. No homes or businesses would be affected by either alternative. In addition, approximately 8.4 hectares (21 acres) of land would be relinquished to the National Park Service (5.6 hectares/14 acres) and Department of Water and Power, City of Los Angeles (2.8 hectares/7 acres) for Alternative 2.

The major design difference between Alternative 1 and Alternative 2 is in the vicinity of the Manzanar National Historic Site. In this area, Alternative 2 would shift the alignment 44 meters (144 feet) east of the existing roadway to build a new four-lane roadway approximately 3 kilometers (1.8 miles) long. The existing two lanes would be preserved and serve as a frontage road to provide access to the National Historic Site, as well as sight and noise separation and operational improvements during peak visitor times. Both build alternatives would provide route continuity by connecting the existing four-lane road at the southern project limit to the Independence Four-Lane project to the north (The Independence Four-Lane project is currently in the environmental approval process.).

The third alternative is the No-Build Alternative, which would leave U.S. Highway 395 as it is within the project limits.

1.2 Project Background

U.S. Route 395 is a high emphasis route in the Interregional Road System. It is a major element of a transportation corridor connecting the Eastern Sierra Region (Inyo and Mono counties) and Western Central Nevada to the Southern California region. This transportation corridor has been identified in previous California planning studies as one of five major recreational corridors serving all of Southern California and one of 11 major regional transportation corridors in California. As a transportation corridor, it serves several purposes. First, the highway corridor is vital to the economy of the Eastern Sierra region for the shipment of goods and materials. The region imports virtually all of its food, clothing, and other goods. Second, this

corridor has major recreational use as evidenced by more than 7 million visitor-days of recreation generated annually in the Eastern High Sierra.

An Origination and Destination Travel Study conducted in 2000 for U.S. Route 395 through Inyo and Mono counties indicated that 68 percent of the non-commercial traffic was recreation-oriented. It also indicated 36 percent of all vehicles coming into the Eastern Sierra Region originated from Southern California, with an average personal vehicle occupancy of 2.5 persons per vehicle. Trucks (including buses and recreational vehicles) composed 16.6 percent of the traffic volume, compared to a statewide average of 10 percent on the California State Highway System.



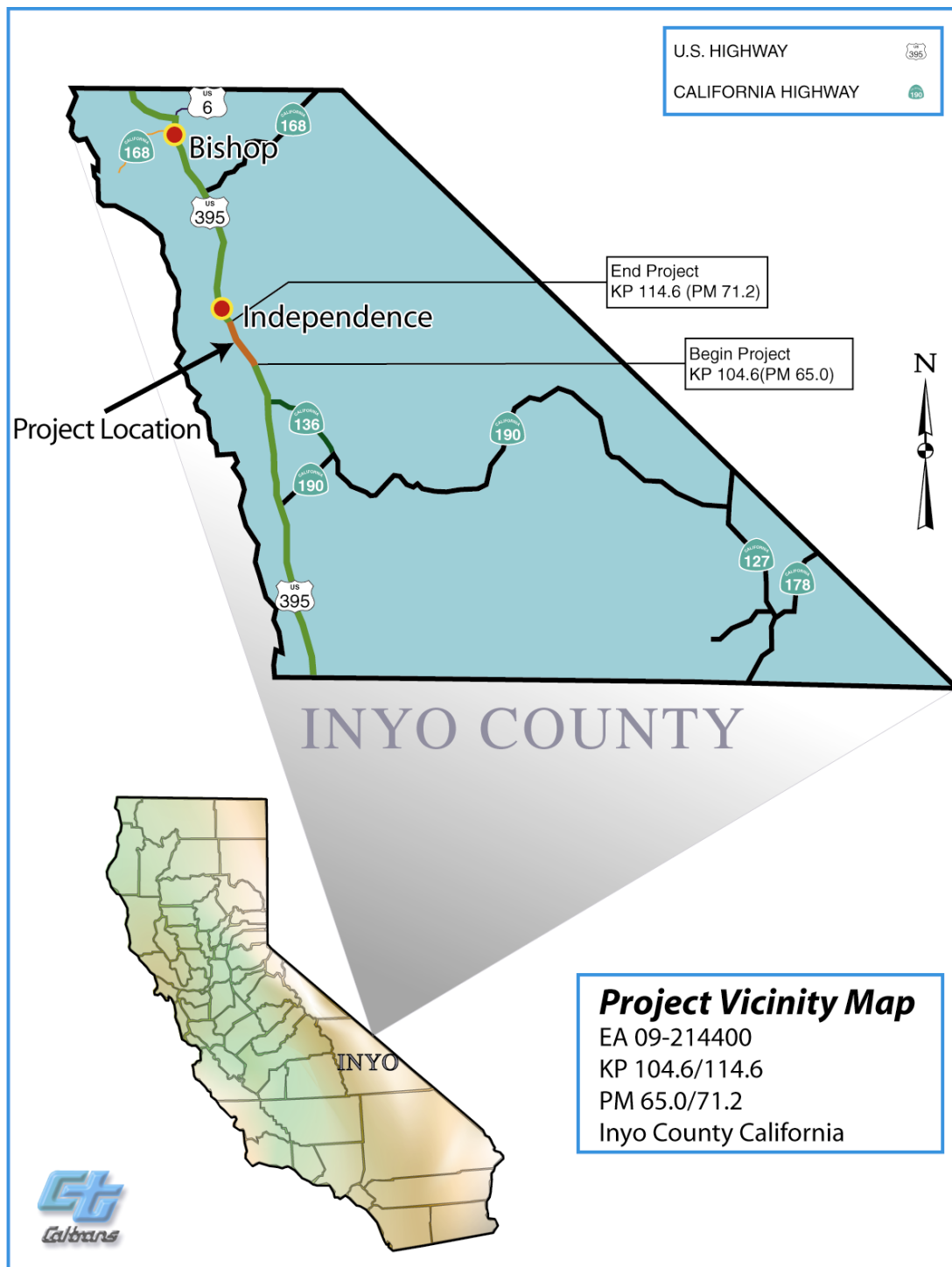


Figure 1-1 Project Vicinity Map



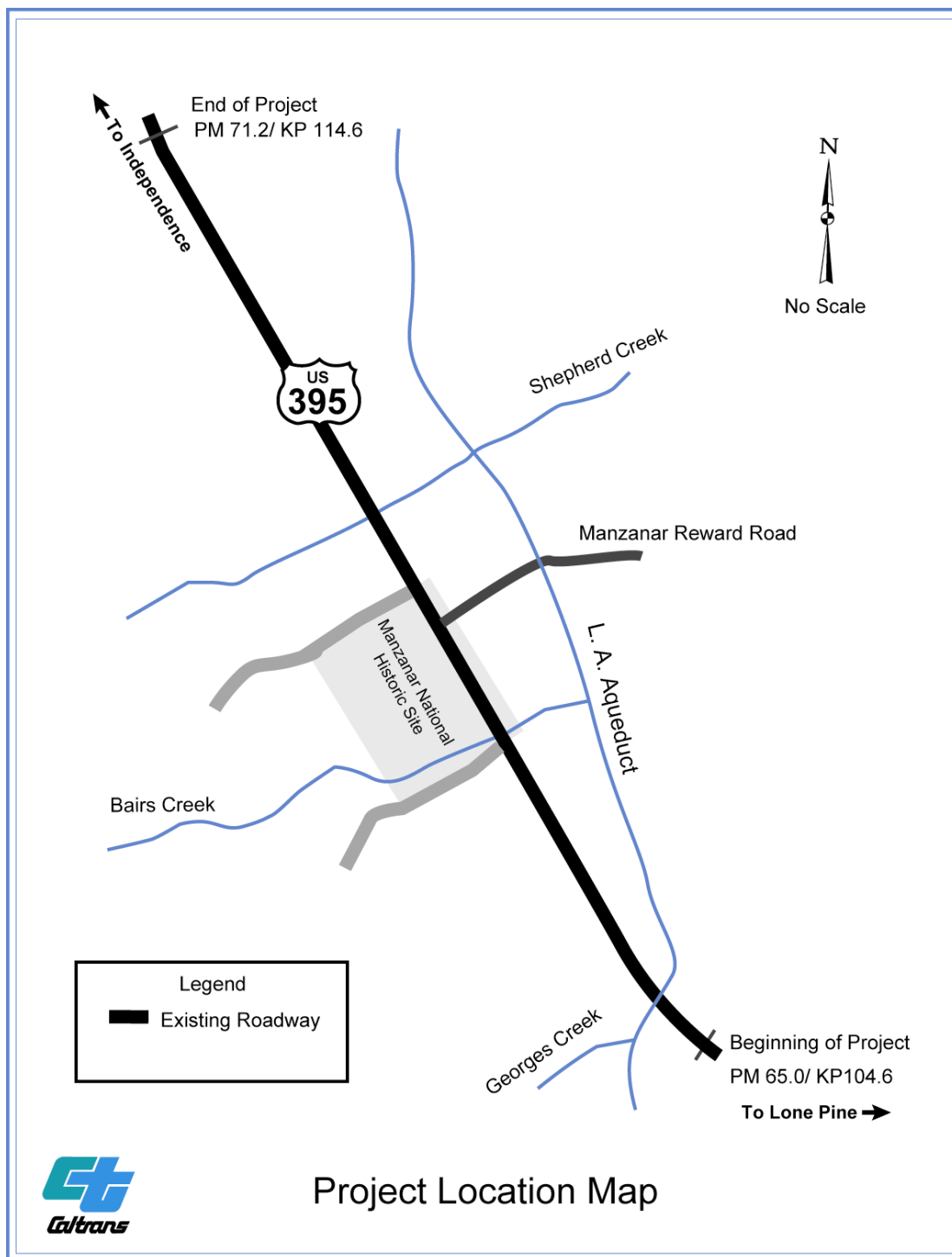


Figure 1-2 Project Location Map



In addition to being listed in the Interregional Road System as a high emphasis route, U.S. Route 395 has been designated a “larger truck” route by the Federal Surface Transportation Assistance Act and included in the Subsystem of Highways for the Movement of Extra Legal Permit Loads (also known as the SHELL System).

The route concept, as described in the Route Concept Report, is to make U.S. Route 395 in Inyo County a four-lane, controlled access highway with a Level of Service of B (see definition of Level of Service in Project Description, section 1.3). These build alternatives are consistent with the Route Concept Report and District System Management Plan.

Currently, U.S. Route 395 is a two-lane rural road with a four-lane all-paved section at the northern project limit crossing generally level terrain. The southern limit connects to an existing four-lane divided highway (Alabama Gates). To the north, the Independence Four-Lane Widening Project proposes to widen that section to four lanes in the future. The speed limit throughout the area is 65 miles per hour.

There is little development along the proposed project limits, with most of the land owned by the Los Angeles Department of Water and Power. On the west side of the highway, the Manzanar National Historic Site (established in 1992 by Congress) fronts U.S. Route 395, between kilometer posts 107.8 and 109.7 (post miles 67.0 and 68.2). The 329-hectare (813-acre) site of the former Manzanar War Relocation Center is currently accessed from U.S. Route 395.

1.3 Project Description

Both build alternatives would comply with the District System Management Plan’s goal to “continue upgrading the Route 14/395 corridor to a four-lane facility.” Both alternatives are consistent with the May 2000 U.S. Route 395 Transportation Concept Report, which designates a four-lane expressway as both the concept and the ultimate roadway for this segment of U.S. Route 395. If this project were completed, there would be a continuous four-lane roadway from the Olancho/Carthago area to just south of Independence. The proposed project is consistent with the Inyo County Regional Transportation Plan.

Within the project limits, the existing U.S. Route 395 is a conventional highway with right-of-way widths varying from 30.5 meters (100 feet) to 91.5 meters (300 feet). The existing highway has 3.6-meter (12-foot) lanes and 1.2-meter (4-foot) to 1.8-meter (6-foot) paved shoulders. See Figure 1-3 for a typical cross-section of the

existing roadway. Passing lanes exist from kilometer posts 112.32 to 113.61 (post miles 69.8 to 70.6).

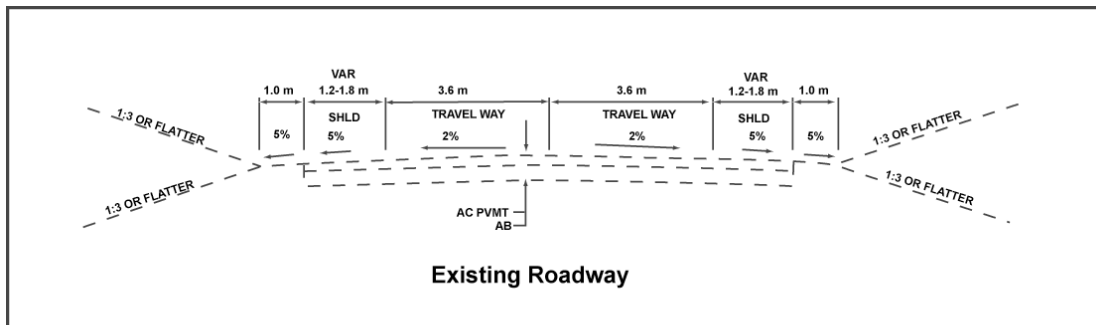


Figure 1-3 Cross-Section of Existing U.S Route 395

Traffic data information is presented in Table 1.1. The existing Annual Average Daily Traffic volume is 5,900 vehicles per day, with the peak month being over 36 percent higher (8,000 vehicles per day). The 10-year and the 20-year growth rates were determined to be 1 percent.

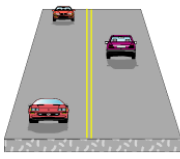
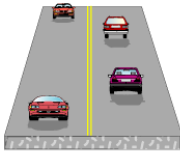
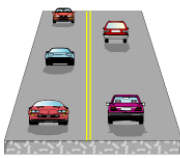

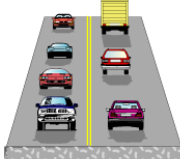

Table 1.1 Traffic Data

| Traffic Data Breakdown | 2001 | 2019 | 2029 |
|----------------------------------|-------|-------|--------|
| Annual Average Daily Traffic | 5,900 | 7,060 | 7,800 |
| Peak Hour | 1,100 | - | - |
| Peak Month Average Daily Traffic | 8,000 | 9,288 | 10,260 |
| Trucks, buses, RV's | 16.6% | - | - |
| Growth per Year | - | 1% | 1% |

Level of Service is a measure of how freely or constrained traffic travels along a roadway segment or through an intersection. For two-lane rural highways, Level of Service is determined in terms of delay, speed and capacity use. Level of Service ranges from free-flowing (“A”) to extremely congested (“F”). A Level of Service of F indicates substantial congestion with traffic demand exceeding capacity. See Figure 1-4 for a complete description of Level of Service.

LEVELS OF SERVICE

for Two-Lane Highways

| Level of Service | Flow Conditions | Operating Speed (mph) | Technical Descriptions |
|------------------|---|-----------------------|--|
| A |  | 55+ | Highest quality of service. Free traffic flow with few restrictions on maneuverability or speed. No delays |
| B |  | 50 | Stable traffic flow. Speed becoming slightly restricted. Low restriction on maneuverability. No delays |
| C |  | 45 | Stable traffic flow, but less freedom to select speed, change lanes or pass. Minimal delays |
| D |  | 40 | Traffic flow becoming unstable. Speeds subject to sudden change. Passing is difficult. Minimal delays |
| E |  | 35 | Unstable traffic flow. Speeds change quickly and maneuverability is low. Significant delays |
| F |  | | Heavily congested traffic. Demand exceeds capacity and speeds vary greatly. Considerable delays |

Source: 2000 HCM, Exhibit 20-2, LOS Criteria for Two-Lane Highways in Class 1

Figure 1-4 Level of Service Chart



The route concept, as described in the Route Concept Report, is to create a Level of Service of B for U.S. Route 395 in Inyo County. The current Level of Service in the project limits is D, which would deteriorate by 2029. The proposed project would improve the Level of Service to A. The current and future Levels of Service are shown in Table 1.2.

During weekends and holidays, traffic volumes are especially heavy, causing traffic lines, driver frustration, and frequent unsafe passing maneuvers. This is especially true for the peak month when the Annual Average Daily Traffic count is 36 percent higher compared to an off-peak month. A factor contributing to the low Level of Service is the high percentage of trucks, buses, and recreational vehicles (16.6 percent). Because of the rural nature of the area, speeds tend to be high. Because trucks and recreational vehicles are usually slower than cars, long lines form as cars wait for the opportunity to pass.

Table 1.2 Level of Service

| Level of Service Highway Type | 2000 | 2019 | 2029 |
|--|-------------|-------------|-------------|
| Two-lane highway (without improvements) | D | D | E |
| Four-lane highway (with improvements) | N/A | A | A |

The existing paved shoulders average 1.22 meters (4 feet) in width and do not meet current design standards or provide adequate refuge for vehicles in distress. Furthermore, the existing shoulders do not provide adequate space for bicycle riders.

There is longitudinal encroachment onto the current right-of-way by utilities. The proposed project would be access controlled, so the conflicting utilities would be relocated off the highway right-of-way.

1.3.1 Safety Issues

Accident information data along U.S. Route 395 were obtained from the Caltrans District 9 Traffic Investigation Section in Bishop. The Traffic Accident and Survey Analysis System and Table 1.3 show 16 accidents on this portion of U.S. Route 395 during the most recent three-year period ending June 30, 2003. This resulted in a total accident rate of 0.40, less than half of the statewide average of 0.98 for a similar

roadway. This is also true for the actual fatal-plus-injury rate of 0.15 (average 0.47) and the fatal rate of 0.0 (average 0.035). Of the 16 accidents reported during this time period, six were injury accidents. No fatal accidents were reported.

There does not appear to be any concentrated accident location within the project limits and no predominant type of accident. The actual and statewide average accident rates and the number of accidents are shown in Table 1.3. The data indicate that on this highway section accident rates are much lower than would be typically expected from a similar type of highway.

Table 1.3 Accident Rates

(Expressed in million vehicle miles traveled)

| | Actual | | | Statewide Average | | |
|-------------------|---------------|---------------------------|--------------|--------------------------|---------------------------|--------------|
| | Fatal | Fatal & Injury | Total | Fatal | Fatal & Injury | Total |
| Percentage | 0.0 | 0.15 | 0.40 | 0.035 | 0.47 | 0.97 |
| Accidents | 0 | 6 | 16 | - | - | - |

The proposed four-lane project would address all of the non-standard features of the existing roadway. All features of the proposed highway would meet the current standards for a design speed of 130 kilometers per hour (80 miles per hour). The proposed project would improve the level of service of the roadway and provide increased capacity to meet present and future traffic demands. It would ease peak traffic congestion and back-ups, remove passing restrictions, separate opposing traffic, and provide for emergency parking areas. This would improve overall safety for the traveling public. Having two lanes of travel for each direction would allow fast-moving traffic to safely pass slow-moving trucks and recreational vehicles. The potential for head-on collisions would be drastically reduced, if not totally eliminated, by constructing a new roadway with a median separation. In addition, the wide median would provide a clear recovery zone, which affords the drivers of errant vehicles the opportunity to regain control.

A preliminary study was prepared on the existing condition of the highway in September 1990 from kilometer posts 107.82 to 124.72 (post miles 67.0 to 77.5). The study recommended road rehabilitation because of the amount of load-associated

cracking that exists. At the time of the study, pavement distress varied from no visible cracks to nearly continuous transverse and longitudinal cracks with intermittent alligator and block cracking. A new study would be scheduled one year before the construction date. An 18-millimeter (0.06-foot) overlay of gap-graded rubberized asphalt concrete was placed from kilometer posts 107.82 to 117.47 (post miles 67.0 to 73.0) in 1993 and, in 1998, a seal coat was placed as an interim maintenance measure until significant rehabilitation takes place.



Chapter 2 Alternatives

2.1 Alternative Development Process

Four alternatives were developed for the project limits. Three alternatives proposed to convert the conventional two-lane highway to a four-lane expressway, while one alternative was the No-Build Alternative.

2.1.1 Alternatives Considered and Eliminated

Four-Lane Conventional Highway (All-paved Alternative)

A 25-meter-wide (82-foot-wide), all-paved, undivided, four-lane highway was considered as a possible alternative, but was rejected. The costs for this alternative would be about as much as for a divided highway, but would not correct all of the deficiencies of the existing highway as effectively as a divided roadway. A four-lane all-paved roadway would have virtually the same impacts on the existing utilities as a four-lane divided highway. There are no major cost savings realized in right-of-way acquisition and construction cost compared to the other two build alternatives. While the earthwork would be less for an all-paved roadway, the cost of the structural section would be higher because of the added paved width and the additional asphalt concrete leveling needed to move the crown of the roadway.

Furthermore, the accident potential on all-paved, undivided, two-way highways is higher than on divided highways with wide medians. An all-paved, four-lane highway would not eliminate the nighttime problem of headlight glare from opposing traffic. Therefore, the all-paved, four-lane highway was not considered to be a viable alternative.

2.1.2 Alternatives Selected for Detailed Study

Three project alternatives were evaluated for this environmental document. These included Alternatives 1 and 2, proposing to convert the conventional two-lane highway to a four-lane expressway, differing only in the vicinity of the Manzanar Historic Site, and Alternative 3, the No-Build Alternative.

Park and Ride facilities are not recommended at this time because of the small percentage of locally generated traffic. The District Park and Ride Coordinator has recommended that Park and Ride facilities not be included in this project. Bicycle

travel is allowed on this portion of U.S. Route 395. Currently, there are no dedicated bike lanes along this section of U.S. Route 395, and there are no future plans to provide them. Bicycle touring is becoming increasingly popular on the Route 14/395 corridor and should be enhanced with the construction of 3-meter (10-foot) outside shoulders.

2.2 Project Alternatives

Final selection of an alternative will not be made until after the full evaluation of environmental impacts, full consideration of public hearing comments, and approval of the final environmental document. Alternative 2 has been selected as the preferred alternative because it would provide operational improvements for the Manzanar National Historic Site.

2.2.1 Alternative 1

This alternative would build a four-lane divided highway by using the existing lanes as the southbound lanes, constructing two new lanes for the northbound lanes, and adding a 30.5-meter-wide (100-foot-wide) median (Figure 2-1). Improvements to the existing lanes would include widening the shoulders to 3 meters (10 feet) on the outside and to 1.5 meters (5 feet) on the inside. The 3-meter (10-foot) shoulders would enhance the opportunity for safe and convenient pedestrian and bicycle travel.

The roadway would be overlaid with asphalt concrete. This alternative would improve the existing two-lane highway to a four-lane divided expressway with a design speed of 130 kilometers per hour (80 miles per hour). A new bridge would be constructed at the Los Angeles Aqueduct crossing for the northbound lanes. The cost for this alternative was estimated to be \$14,042,000 (Table 2.1) for fiscal year 2004.

Table 2.1 Alternative 1 Project Costs (in January 2004 dollars)

| Alternative 1 | |
|--------------------|--------------|
| Construction Costs | \$13,143,000 |
| Right-of-way | \$895,000 |
| Permits | 4,000 |
| Total | \$14,042,000 |

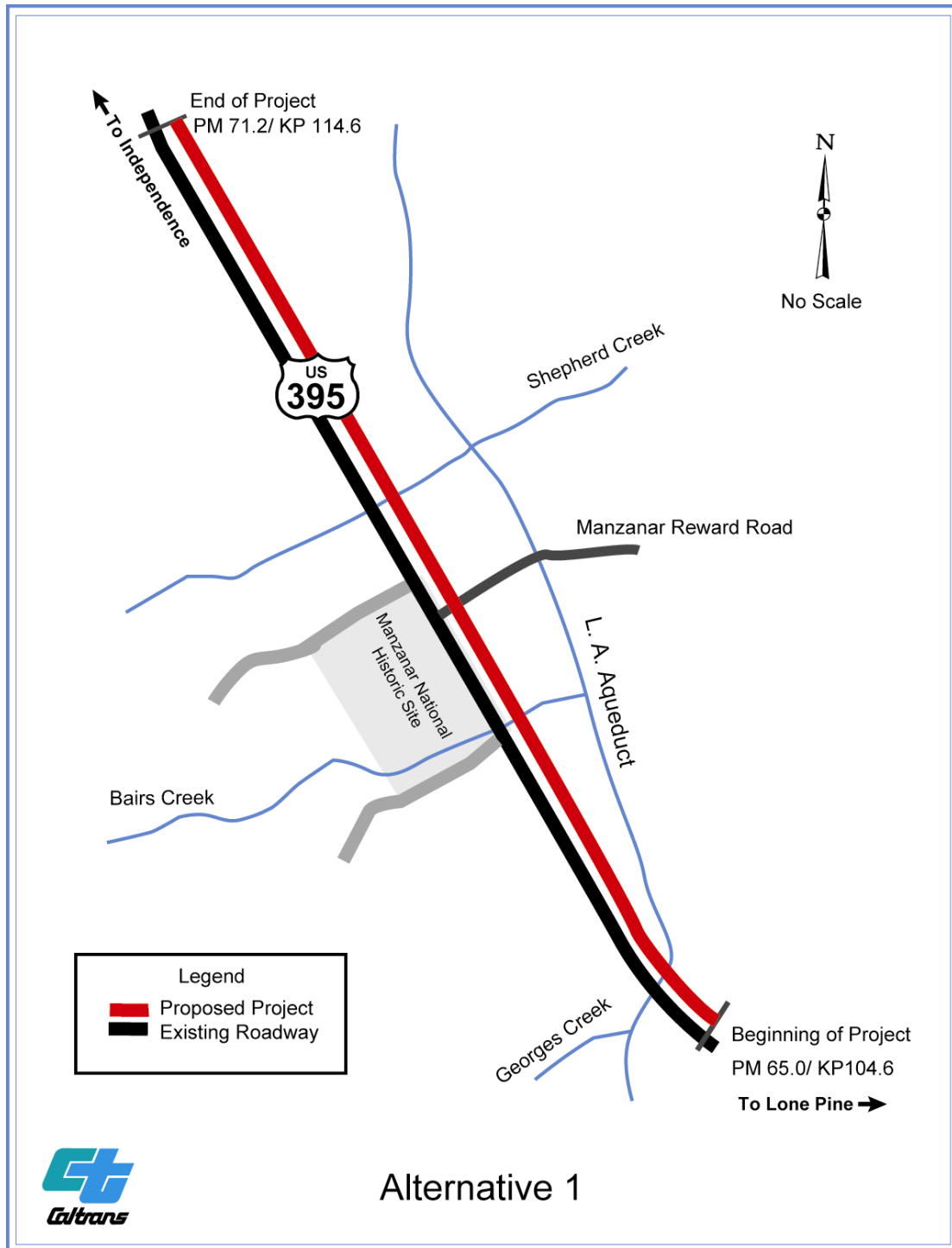


Figure 2-1 Map of Alternative 1



Caltrans would provide fencing on the project to physically control access to the highway. There would be access openings with cattle guards at county road connections. Adjacent landowners could access their property via cattle guards or locked gates. Typical cross-sections for Alternatives 1 and 2 are shown in Figure 2-2 (northbound) and Figure 2-3 (southbound).

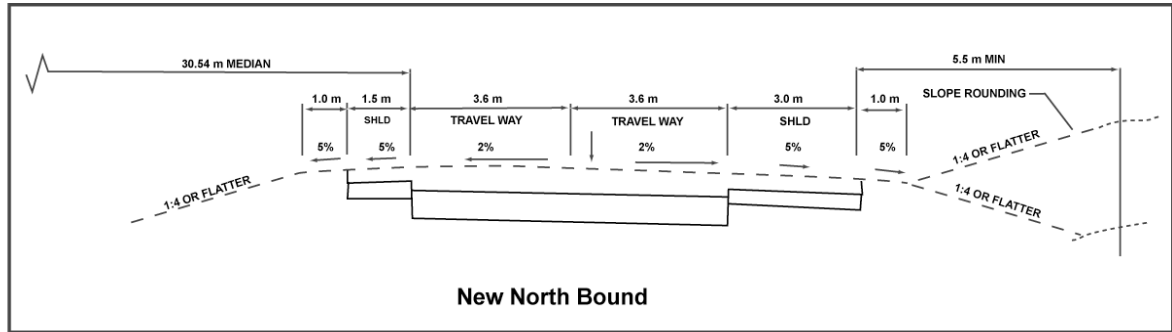


Figure 2-2 Cross-Section for Alternatives 1 and 2, Northbound

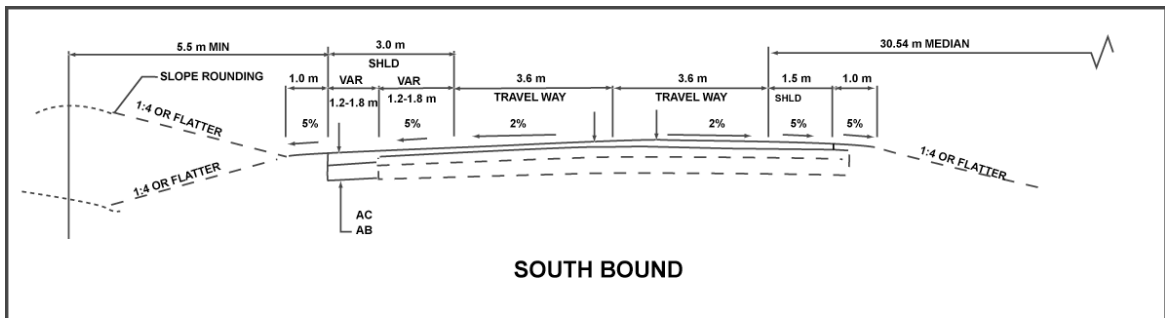


Figure 2-3 Cross-Section for Alternatives 1 and 2, Southbound

2.2.2 Alternative 2 (Preferred Alternative)

Alternative 2, the preferred alternative, would build a four-lane divided highway by using the existing lanes as the southbound lanes, constructing two new lanes for the northbound lanes, and adding a 30.5-meter-wide (100-foot-wide) median (Figure 2-4). In the vicinity of the Manzanar National Historic Site, the alignment would shift 44 meters (144 feet) east of the existing roadway to build a new four-lane roadway approximately 3 kilometers (1.8 miles) long.



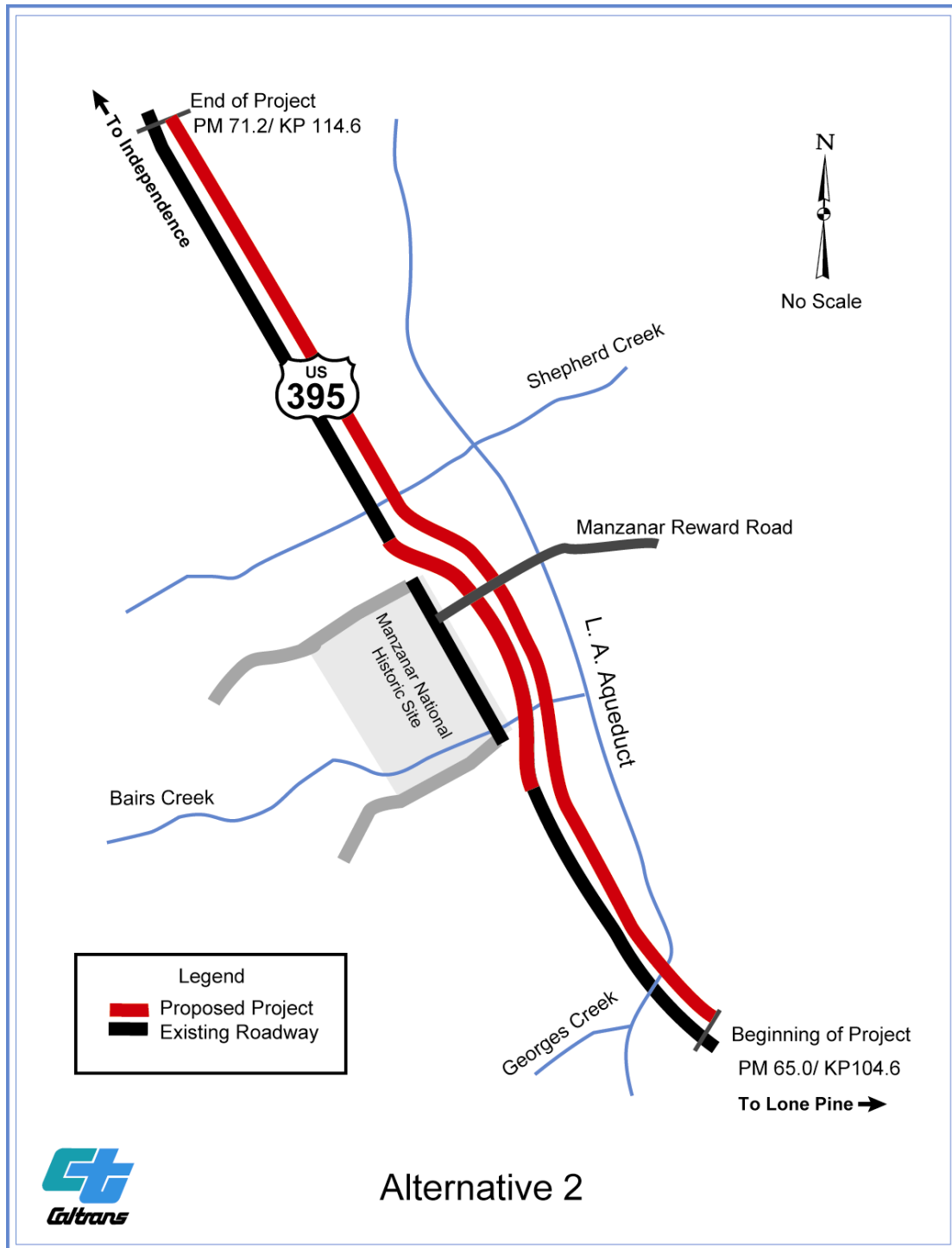


Figure 2-4 Map of Alternative 2



The existing two lanes would be preserved and serve as a frontage road to provide access to the National Historic Site. Following completion of the new U.S. Route 395 alignment, the National Park Service would assume ownership and maintenance responsibilities for the former state highway. The present park interior road access at the historic World War II park entrance would be closed to vehicles, and a new visitor entrance at the former camp auditorium would be opened by the National Park Service. The cost for this alternative was estimated to be \$15,346,000 (Table 2.2) for fiscal year 2004.

Table 2.2 Alternative 2 Project Costs (in January 2004 dollars)

| Alternative 2 | |
|---------------------------------|--------------|
| Total Construction Costs | \$14,502,000 |
| R/W | \$840,000 |
| Permits | 4,000 |
| Total | \$15,346,000 |

Improvements to the existing lanes would include widening the shoulders to 3 meters (10 feet) on the outside and to 1.5 meters (5 feet) on the inside. The 3-meter (10-foot) shoulder would enhance the opportunity for safe and convenient pedestrian and bicycle travel. The roadway would be overlaid with asphalt concrete. This alternative would improve the existing two-lane highway to a four-lane divided expressway with a design speed of 130 kilometers per hour (80 miles per hour). A new bridge would be constructed at the Los Angeles Aqueduct crossing for northbound traffic.

There would be one crossover constructed near the Manzanar Historic Site to allow northbound traveling visitors to make a safe left turn into and out of the National Historic Site. This crossover would be located at kilometer post 109.42 (post mile 67.99) and would provide access to the Manzanar Reward Road (County Road #4001), which serves as the only access point into the backcountry for off-road vehicles within the project limits. See Figure 2-5 for the road connection to the Manzanar National Historic Site.

The project would provide fencing to physically control access to the highway. There would be access openings with cattle guards at county road connections. Adjacent landowners would have access to their property via cattle guards or locked gates.

This alternative would result in approximately the same environmental impacts compared to Alternative 1, but would improve the quality of experience for visitors to the National Historic Site by realigning the highway and moving the traffic further away from the park. In addition, the National Park Service prefers to preserve the current two-lane historic 1.2-mile alignment of U.S. Route 395 in the park as part of the cultural landscape. The future frontage road would provide access to the National Historic Site, as well as operational improvements during peak visitor times. The National Park Service supports this alternative (see Appendix I for correspondence).

Phasing

Because of funding constraints, the construction of the project is likely to be phased. However, no additional impacts would be associated with the phasing of this project.

Phase I will construct new northbound lanes separated from the existing lanes by a 30.5-meter (100-foot) wide median. Throughout the project length, the existing lanes will be utilized for southbound traffic. The southbound lanes will be constructed, except where the lanes transition to the east of the existing highway at the Manzanar National Historic Site (see Figure 2-5). Through this section, the existing roadway will remain unchanged and utilized as southbound lanes.

Phase II consists of constructing new southbound lanes to the east of the existing highway (and west of the new northbound lanes) in the vicinity of the Manzanar National Historic Site. The existing lanes along this segment will be used as a future frontage road for the Manzanar National Historic Site.

2.2.3 No Action Alternative

The No-Build Alternative was examined and rejected because it would not provide relief from the existing low Level of Service, insufficient road capacity to meet present and future traffic demands, or passing restrictions. It would also not provide emergency parking areas. This alternative would not address future needs and would not be consistent with the Route Concept Report for U.S. Route 395.

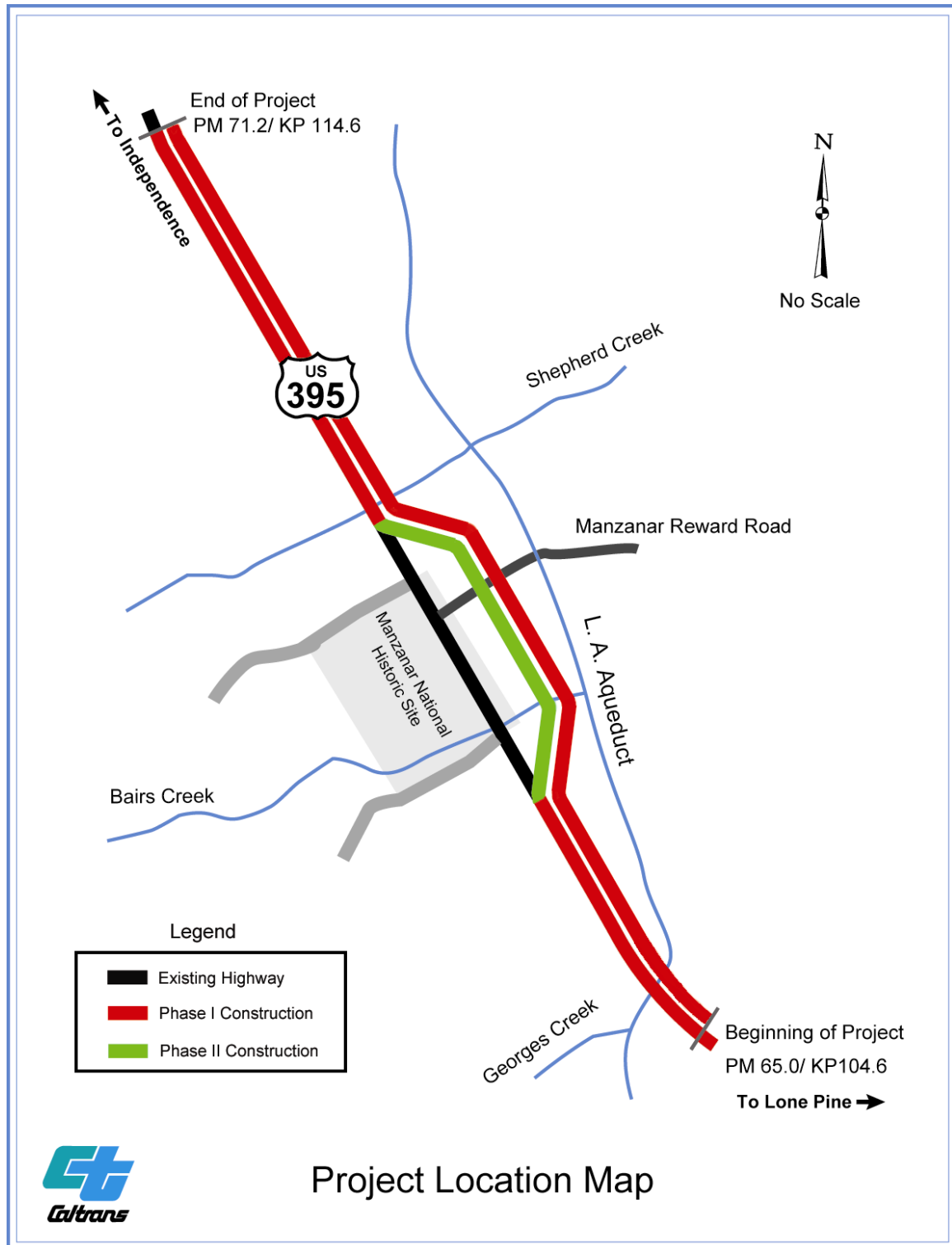


Figure 2-5 Map of Phasing



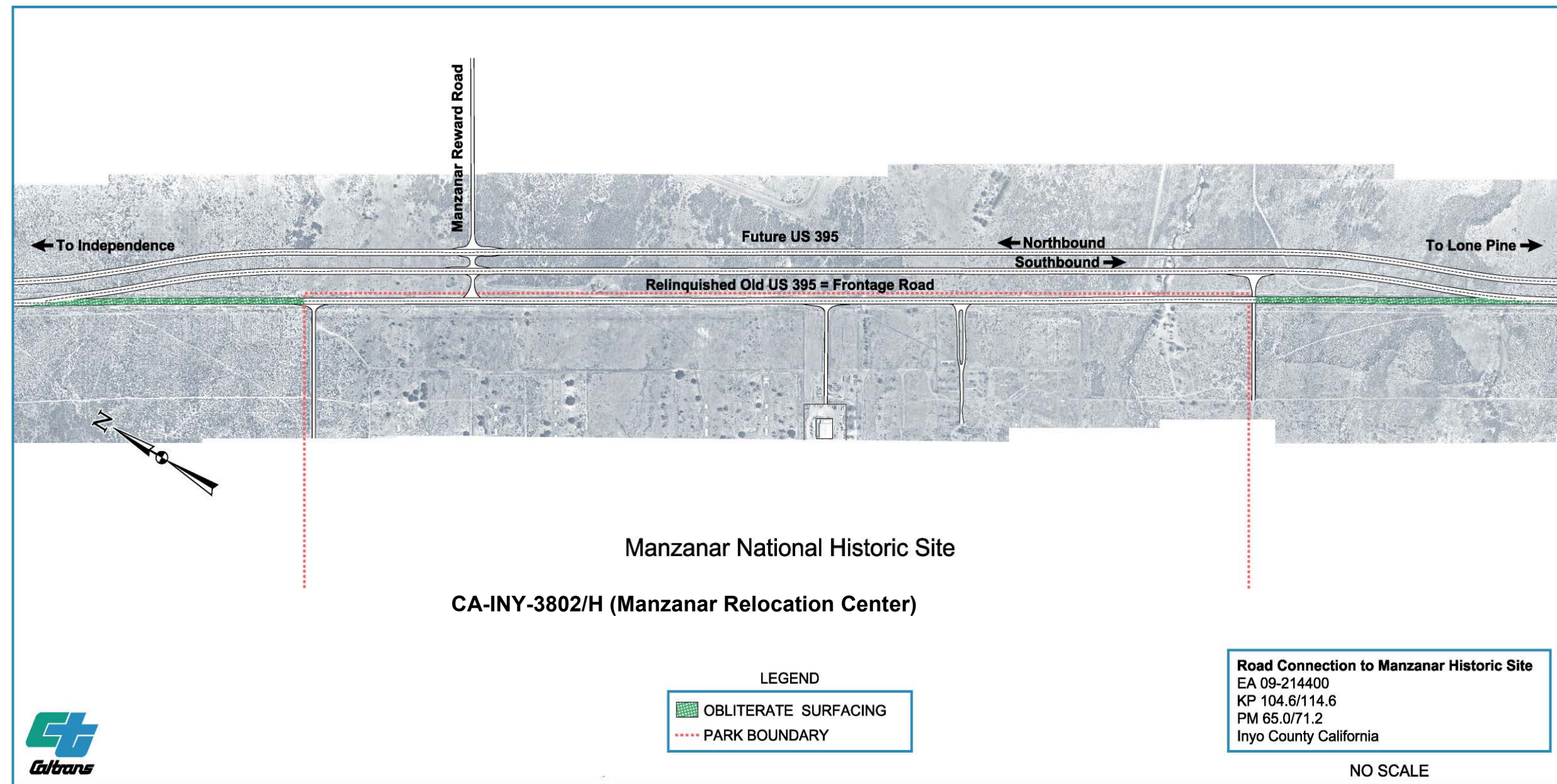


Figure 2-5 Proposed Road Connection to Manzanar National Historic Site (Alternative 2)



Chapter 3 Affected Environment, Environmental Consequences, and Mitigation

This chapter describes the existing environmental setting for the project study area. The “project study area” has been drawn to identify the geographic limits of the proposed project’s potential direct and indirect effects, particularly for visual and cultural resources. The project study area encompasses both build alternatives. The design concepts associated with the build alternatives are very similar, having cost and the avoidance of the Manzanar Historic Site as the main distinguishing factors between the two. Because of the physical ground disturbance that would be anticipated with future construction activities, both build alternatives would create the same physical impacts within the project study area. Therefore, impacts resulting from the proposed project have been referenced to the project study area as opposed to the individual build alternatives.

3.1 Land Use

3.1.1 Affected Environment

This proposal falls entirely within the confines of the Owens Valley along the east side of the Sierra Nevada. Elevations vary between 1,158 meters (3,800 feet) at the south end to approximately 1,189 meters (3,900 feet) at the north end. This segment of roadway runs roughly parallel to the Owens River Channel, but over 3 kilometers (2 miles) to the west of it. There are two perennial creeks and one intermittent creek that cross the roadway within the project limits. Perennial creeks flow year-round, while intermittent creeks flow only part of the year. Georges Creek at kilometer post 105.25 (post mile 65.4) and Shepherd Creek at kilometer post 108.95 (post mile 67.7) are perennial; Bairs Creek at kilometer post 107.50 (post mile 66.8) is intermittent. Symmes Creek, just outside the project limits at kilometer post 114.7 (post mile 71.25), is also intermittent. The Los Angeles Aqueduct crosses U.S. Route 395 at kilometer post 105.65 (post mile 65.65).

Vegetation throughout the length of this proposal is made up primarily of lightly scattered scrub types like rabbitbrush and sagebrush. The various creek crossings contain the typical riparian (stream bank) scrub vegetation types like willows, wild roses and a few cottonwood trees.

Nearly all the adjacent land is classified as open-space and is owned by the City of Los Angeles. Within the project limits, there is only one improved parcel at kilometer post 108.63 (post mile 67.5) on the west side of U.S. Route 395. It is also owned by the City of Los Angeles, but is leased to Inyo County for use as a maintenance and shop facility. That site has recently come under the control of the federal government and is designated as the Manzanar National Historic Site.

No other improvements exist within project limits. Since all the land is under public ownership, no additional improvements are anticipated for the foreseeable future.

3.1.2 Impacts

Both alternatives would use the existing right-of-way, which ranges from 30 to 91.4 meters (100 to 300 feet) wide. An additional 43.5 hectares (107.6 acres) of public land is needed for Alternative 1, and 53.6 hectares (132.5 acres) for Alternative 2. No homes or businesses would be affected by either alternative. In addition, approximately 8.4 hectares (21 acres) of land would be relinquished to the National Park Service (5.6 hectares/14 acres) and Department of Water and Power, City of Los Angeles (2.8 hectares/7 acres) for Alternative 2.

In all, a total of approximately 31.48 hectares (77.79 acres) for Alternative 1 and approximately 31.40 hectares (77.60 acres) for Alternative 2 would temporarily be disturbed during the construction of the proposed project. Activities associated with temporary ground disturbance include the following: fence rebuilding, utility relocation, construction staging, heavy equipment activity beyond the design catch points, and median grading. Areas under new shoulders and all new cuts and fills required by the proposed project are being considered permanent ground impacts. Overall construction of the proposed project would result in approximately 13.10 hectares (32.35 acres) for Alternative 1 and 16.34 hectares (40.38 acres) for Alternative 2 of permanent ground disturbance within the project limits.

The Inyo County General Plan includes a Circulation Element established in 1982. The Highways category states, “It is the goal of Inyo County that the existing highway system be maintained or improved to provide for the safe and expeditious movement of people and goods.” It is the policy of Inyo County to:

- Realize that maintenance, rehabilitation, and reconstruction of the existing highway system have first call on available funds.

- Recommend operational improvements for safety and maximum service efficiency as a second priority.
- Support new highway facilities where, as compared with other alternatives, this is the most effective way to improve overall transportation system operations.
- Actively pursue methods and means to convert all of U.S. Route 395 to a four-lane roadway within the county.
- Support plans that propose multi-modal uses of the highway system.

The proposed project would not affect any current or future land use plans and is consistent with the goals set forth in the Inyo County General Plan Circulation Element.

3.1.3 Mitigation

No mitigation measures would be necessary.

3.2 Social and Economic

3.2.1 Affected Environment

The affected area of the project is rural in character and is lightly populated. However, the project serves the easterly communities of Inyo and Mono counties, and is the primary traffic and transportation corridor supporting several of the counties' cities and unincorporated communities. Encompassing more than 25,898 square kilometers (10,000 square miles), Inyo County is the second largest county in California. Surrounding counties include Mono County to the north, Fresno and Tulare counties to the west, and Kern and San Bernardino counties to the south; the state of Nevada lies to the east. Located relatively close to major tourist attractions, including Mammoth Mountain and Yosemite National Park, Inyo County has become a popular destination for fishing, hiking, and climbing activities, among others. As a result, the tourism industry plays a major role in the county's economy.

Population. The 2000 Census data records show Inyo County's population at 18,000 residents. The county's largest city, Bishop, recorded a population of 3,600 in 2000, an increase of 3 percent over the 1990 Census figures. The population in Inyo County is projected to reach 20,700 by the year 2020, indicating a growth rate of 15 percent over the next 20 years.

Census data indicate that in 2000 the county's population was 80.1 percent White, 0.2 percent Black or African American, 10 percent American Indian and Alaska Native,

0.9 percent Asian, and 0.1 percent Native Hawaiian and other Pacific Islander. In addition, 4.6 percent reported “Some Other Race” and 4.1 percent reported “Two or More Racial Mix.” Approximately 12.6 percent of Inyo County’s population reported being of Spanish or Latino origin in 2000.

Employment. The 2000 annual average employment statistics show Inyo County’s civilian labor force is down slightly from 1999 to just over 7,100. The annual average unemployment rate for 2000 was 5.6 percent. While higher than the state’s rate of 4.9 percent for the same year, the unemployment rate in Inyo County has been steadily declining since 1996. According to the 2000 annual average statistics, government, services, and retail trade were the dominant industries in the county’s total employment picture. Government accounted for the largest share, almost 35 percent of all employment. Services made up over 24 percent (over 1,800) of the total. Retail trade accounted for 24 percent (over 1,800) of the total employment, with the majority of jobs in the category of places to eat and drink.

Since 1996, unemployment rates in both Inyo County and neighboring Mono County have declined, which indicates increasing employment opportunities in the area. Inyo County’s annual average unemployment rate has dropped 2.8 percentage points, from a high of 8.4 percent in 1996 to a low of 5.6 percent in 2000.

Income. In 1998, per-capita personal income averaged \$23,468 in Inyo County. This income level is lower than the statewide average of \$28,172 for the same time period. The average earnings per job in 1998 was \$25,123. The county shows a smaller incidence of poverty than for the state as a whole. In the county, 14 percent of the population was reported below the poverty level, while the figure for the state was 16 percent.

Over the years from 1996 to 2000, Inyo County’s wage and salary employment added 370 jobs, a cumulative growth of 5 percent. In the year 2000, the county added 30 jobs, posting growth in retail trade and manufacturing. Within retail trade, all new jobs were in the category of eating and drinking places, reflecting growth in a tourist-based economy.

3.2.2 Impacts

Relocation Impacts. The Caltrans Right-of-Way Department prepared a Draft Relocation Impact Study (Appendix J) for the proposed alternatives in August 2001

(updated in October 2002). Because of the rural nature of the project location, the estimates prepared for the project alternatives showed no relocation assistance was necessary. There are no communities, residents, or structures within the project limits, except for the Inyo County Maintenance Station (now a part of the National Historic Site) and the Manzanar Historic Site. Therefore, it has been determined that there is no major impact to owners, tenants, businesses, or persons in possession of real property to be acquired who would qualify for relocation benefits under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.

Environmental Justice. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994, directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law (see Appendix C for a copy of Title VI Policy Statement).

The proposed project is located within a rural environment. There are no communities, residents, or structures within the project limits. No minority or low-income populations have been identified within the project limits that would be adversely affected by the proposed project as specifically required by Executive Order 12898 regarding environmental justice.

3.2.3 Mitigation

No mitigation measures would be necessary.

3.3 Air Quality

3.3.1 Affected Environment

Data obtained from the Great Basin Unified Air Pollution Control District indicate the overall air quality in this region is very good. Owens Valley is a non-attainment area for particulate matter under 10 micrometers in diameter (PM_{10}). This means that PM_{10} is the only pollutant that exceeds federal and state air quality standards within Owens Valley. The primary source of PM_{10} is dust from areas along the Owens River and/or from Owens Lake (dry) during wind periods that exceed 16 kilometers per hour (10 miles per hour). Particulates from wood stove smoke can also contribute to the problem during winter months. The Great Basin Air Pollution Control District has

determined the area's transportation system is not a major contributor to the PM₁₀ issue.

3.3.2 Impacts

With the exception of PM₁₀, the area within Inyo County is in full conformity with both state and federal air quality standards. The Great Basin Air Pollution Control District has prepared a plan to control the PM₁₀ issues. Inyo County's Regional Transportation Plan, accompanied by an approved Environmental Impact Report, lists the "Manzanar Four-Lane" project as meeting all regional air quality standards. The Manzanar project is included in the 2002 Federal State Transportation Improvement Program for Inyo County.

Short-term, microscale impacts created from construction-related activities are possible. PM₁₀ is the current basis for the state and federal standards for particulates and is based on health considerations. Fugitive dust is generally PM₁₀ or greater in size and is not generally considered a health hazard. Visibility and traffic safety from blowing nuisance dust is the primary concern, although fugitive dust from construction-related activities can cause elevated PM₁₀ levels and may pose air quality problems, including soiling of buildings and adverse health impacts to sensitive individuals.

Qualitative consideration was given to the proposed project's effect on existing and new PM₁₀ violations at the microscale level. Given the build alternatives' characteristics and location, as well as regional efforts and plans to attain the PM₁₀ standard, it is determined that the project and transportation in general does not contribute to any existing PM₁₀ violation or create a new PM₁₀ violation. It is expected that the project itself would not result in increased vehicle trips, but rather would re-distribute those vehicle trips that would be generated in any event along the U.S. Route 395 corridor to Bishop. Also, the project would not affect overall vehicle miles traveled since the distance associated with the proposed project would parallel an existing stretch of U.S. Route 395 that transitions into existing four-lane roadways to the north and south. Vehicle miles traveled are not expected to increase as a result of the proposed project.

Caltrans' "Microscale Screening Procedures for Carbon Monoxide" has been performed for this project, indicating there is less than a 1-part-per-million increase in either the one-hour or eight-hour carbon monoxide concentrations throughout the 20-

year life expectancy of the roadway at a distance equivalent to the right-of-way lines. With background levels estimated at 4 parts per million or less, carbon monoxide concentrations are well below state and federal standards. It has been shown that the small, less than 1-part-per-million increase, is caused by “normal” traffic growth and is not directly related to the roadway improvement itself. These results indicate that a full air study is not required for this project.

Therefore, it can be concluded there would be no long-term impact to air quality.

3.3.3 Mitigation

Re-vegetation of all disturbed soil areas along this project would minimize the potential for long-term highway contributions to the already degraded regional levels of PM₁₀. With carbon monoxide increases estimated to be minimal and project-related PM₁₀ increases being controllable, there would not be any major air quality impacts for either alternative.

Enforcement of Caltrans’ Standard Specifications (see Section 10 of the Standard Specifications, titled “Dust Control,” as well as Section 7, part 7-1.01F, titled “Legal Responsibilities: Air Pollution Control”) and Great Basin Air Pollution Control District’s prohibitory rules that apply to activities mentioned in the project description (specifically, rule 400–Opacity, rule 401-Fugitive Dust, and rule-402 Nuisance¹) would minimize these concerns.

These rules describe the reasonable precautions that should be taken to prevent particular matter from being airborne. Some of the listed dust control strategies are the use, where possible, of water or chemicals for dust control; the application of asphalt, oil, water, or suitable chemicals on dirt roads, material stockpiles, and other surfaces which can give rise to airborne dusts; the use of water, chemicals, chuting, venting, or other precautions to prevent particulate matter from becoming airborne in handling dusty materials to open stockpiles and mobile equipment; and maintenance of roadways in a clean condition.

In addition, contractors shall control dust issues by having personnel on call and take appropriate action throughout the length of the contract including on weekends. Caltrans would stress the importance of dust-related problems during the pre-construction meetings with the contractor. In addition, the contractor would be

¹ Ref: <http://www.arb.ca.gov/drdb/gbu/cur.htm>

advised to perform water treatment of exposed areas on the last workday before a weekend or holiday.

3.4 Noise

A Type 1 project is defined by 23 CFR 772 as a proposed federal or federal-aid highway project for the construction of a highway on a new location, or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment, or increases the number of through-traffic lanes. Caltrans extends the Type 1 definition in 23 CFR 772 to state highway projects without federal funding.

Under Federal Highway Administration regulations (23 CFR 772), noise abatement must be considered for Type 1 projects when the project results in a substantial noise increase, or when the predicted noise levels approach or exceed the Noise Abatement Criteria. According to the Caltrans Technical Noise Analysis Protocol, October 1998, a noise increase is considered substantial when the predicted noise levels with the project exceed existing noise levels by 12 dBA.

3.4.1 Affected Environment

The only noise receptor within the project limits is located approximately 210 meters (700 feet) west of kilometer post 108.63 (post mile 67.5). This building was used as the Inyo County Maintenance Yard and Shop Building and is now part of the Manzanar National Historic Site. This site is set back far enough that it is not and would not be affected by traffic-generated noise. Moving the northbound lanes 30 meters (100 feet) farther to the east would further abate the minimal existing noise levels. Alternative 2 (the preferred alternative) would move the roadway 44 meters (144 feet) east of the existing roadway and, therefore, move the traffic-generated noise further away from the receptor. A computer check for existing levels vs. 20 years of traffic increases indicates the sound level increasing from 52 dBA to 55 dBA, which is well below the Federal Highway Administration-recommended design criteria of 67 dBA.

3.4.2 Impacts

There would be no impacts to noise levels by either alternative.

3.4.3 Mitigation

No mitigation measures would be necessary.

3.5 Waterways and Hydrologic Systems

3.5.1 Affected Environment (Groundwater)

This project lies within the confines of the Owens Valley Groundwater Basin as described by the Department of Water Resources Bulletin No. 106-1, “Groundwater Occurrence and Quality-Lahontan Region,” June 1964. The Los Angeles Department of Water and Power has 14 production wells, three of them capped off, throughout the length of the project. Inyo County’s Water Department also has groundwater monitoring wells located in the area, but not close to roadway work areas.

3.5.2 Impacts

Discussions with Los Angeles Department of Water and Power, along with field reviews, revealed that this project could affect 14 well sites throughout the length of the project (see Table 3.1). Eleven of them would require abandonment for Alternative 1, nine of them for Alternative 2. One of the wells (#1010) affected by Alternative 1 is a production well, while the other wells are monitoring wells only. Currently, the Los Angeles Department of Water and Power is planning to combine three of these monitoring wells and relocate them outside the state’s right-of-way. In addition, three wells would be capped off and abandoned. All other wells are monitoring wells. In comparison, Alternative 1 would affect 11 wells, including well #1010, which is a production well.

Data obtained from the Los Angeles Department of Water and Power indicate that groundwater is found at 7.6 meters (25 feet). At this depth, this project would not affect groundwater.

Table 3.1 Potential Impacts to Well Locations

| | Wells | Post mile Location | Treatment | Affected by | |
|-----|--------------|--------------------|--|---------------|---------------|
| | | | | Alternative 1 | Alternative 2 |
| 1. | T399, #399 | 65.37 | Capped and abandoned | Yes | Yes |
| 2. | F083, #738 | 65.98 | Capped and abandoned | Yes | Yes |
| 3. | V086, #975 | 66.25 | Capped and abandoned | Yes | Yes |
| 4. | V090, #977 | 66.79 | Capped and abandoned | Yes | Yes |
| 5. | T811, #924 | 67.73 | Capped and abandoned | No | Yes |
| 6. | T622, #868 | 67.78 | Capped and abandoned | Yes | No |
| 7. | W075, #1010 | 67.79 | Production well, Relocated, Capped and abandoned | Yes | No |
| 8. | V019GB, #959 | 67.98 | Relocate and combine w/ #958/792 | No | Yes |
| 9. | V019GA, #958 | 67.98 | Relocate and combine w/ #959/792 | No | Yes |
| 10. | T401, #792 | 67.99 | Relocate and combine w/ #958/959 | Yes | Yes |
| 11. | T136A, #781 | 68.04 | Capped and abandoned | Yes | No |
| 12. | T136, #780 | 68.04 | Capped and abandoned | Yes | No |
| 13. | V072, #970 | 68.05 | Capped and abandoned | Yes | No |
| 14. | T561, #844 | 69.3 | Relocated | Yes | Yes |

3.5.3 Mitigation

Any wells that require abandonment must conform to the rules and regulations set forth by Inyo County. Areas around existing wells have to be designated as Environmental Sensitive Areas and would be fenced off during construction on Los Angeles Department of Water and Power property. No wells would remain on state right-of-way.

3.6 Water Quality

3.6.1 Affected Environment

The proposed project crosses the creek beds of Georges Creek (kilometer post 105.24, post mile 65.4), Bairs Creek (kilometer post 108.15, post mile 67.2), Shepherd Creek (kilometer post 109.43, post mile 68.0), and the Los Angeles Department of Water and Power Aqueduct (kilometer post 105.65, post mile 65.65). It ends 20 to 30 meters (50 to 100 feet) south of the crossing of Symmes Creek (part of the Independence Four-Lane project).

Georges Creek is perennial flowing; however, the flow is intercepted by the Los Angeles Department of Water and Power Aqueduct, about 300 meters (1,000 feet) to the west, before it reaches the existing roadway.

North of Georges Creek, the Los Angeles Department of Water and Power Aqueduct crosses the roadway. A single-span bridge would be constructed to carry northbound traffic. The structure is expected to be similar to the existing bridge and should not create any long-term problems for the aqueduct. The slopes of the aqueduct would be concrete lined within the state's right-of-way to reduce the need for maintenance work.

Intermittent Bairs Creek crosses U.S. Route 395 within a culvert. The Los Angeles Department of Water and Power Aqueduct, about 800 meters (0.5 miles) to the east of the highway, intercepts this seasonal flow downstream from the highway.

Perennial Shepherd Creek crosses the road and flows into the Los Angeles Department of Water and Power Aqueduct about 800 meters (0.5 miles) downstream from U.S. Route 395.

Intermittent Symmes Creek crosses the roadway just north and outside of the project limits and flows into the Los Angeles Department of Water and Power Aqueduct about 1.6 kilometers (1 mile) east of U.S. Route 395. This channel has been deeply eroded both east and west of the highway.

3.6.2 Impacts

At Shepherd Creek and Bairs Creek, construction activities may create short-term impacts from storm-related soil erosion or equipment intrusion. Sensitive downstream

beneficial uses for the Los Angeles Department of Water and Power Aqueduct can be affected from sediment transport and/or increased turbidity (cloudiness) levels.

3.6.3 Mitigation

During the design and construction stages, close coordination with the Los Angeles Department of Water and Power, the California Department of Fish and Game and Lahontan Regional Water Quality Control Board would be required.

All cross drainage facilities would be designed to carry 100-year flow. There is no direct discharge into live streams from the roadway. It is Caltrans' practice to direct roadway/bridge deck runoff through stormwater treatment Best Management Practices (such as vegetated buffer zones, infiltration basins, or detention basins) prior to discharge into live streams.

Channel work in Georges, Bairs and Shepherd creeks must conform to the requirements of the Best Management Practices as outlined in the Lahontan Regional Water Quality Control Board's issued Board Order No. 6-87-57. Because the total site disturbance exceeds 0.4 hectare (1 acre), a Storm Water Pollution Prevention Plan would be required according to the National Pollutant Discharge Elimination System Phase II Rules. These, along with the Fish and Game's 1601 permit and Caltrans Standard Specifications would provide sufficient controls to prevent any short-term impacts during construction.

If the terms of the permits and the Best Management Practices are incorporated into the contract and enforced properly during construction, there would be no major impacts to surface water from the proposed project.

3.7 Floodplain

Executive Order 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing actions in floodplains unless it is the only practicable alternative. The Federal Highway Administration requirements for compliance are outlined in 23 CFR 650 subpart A.

The 100-year floodplain is defined as "the area subject to flooding by the flood or tide having a one percent chance of being exceeded in any given year." An encroachment is defined as "an action within the limits of the 100-year Floodplain."

3.7.1 Affected Environment

Location Hydraulic Studies (included in Appendix G) and a Floodplain Evaluation Report were performed for the proposed project. The Owens River floodplain, as determined by the Federal Emergency Management Agency National Flood Insurance Rate Maps, is about 3.2 kilometers (2 miles) east of the highway. At the north end of the project, the Los Angeles Department of Water and Power has an extensive system of earthen dikes and detention basins, upslope from the highway. These reduce the peak flows at the highway from kilometer post 112.3 (post mile 69.8) to kilometer post 114.7 (post mile 71.3).

3.7.2 Impacts

All drainage facilities would be designed to convey the 100-year flow, including the new bridge at the Los Angeles Department of Water and Power Aqueduct. The proposed action would not have the effect of raising the base (100-year) floodwater surface elevation within the project and is not considered a major encroachment on any floodplain (see Appendix F for the Floodplain Evaluation Report Summary).

3.7.3 Mitigation

No mitigation measures would be necessary.

3.8 Threatened and Endangered Species

Caltrans biologists conducted a biological evaluation of the proposed project area in December 1998, February 1999, and April/May 2001. These field reviews were conducted to update the Natural Environment Study for the U.S. Route 395 Manzanar Four-Lane project, previously prepared in February 1994 (Dames and Moore 1994). The 1994 Natural Environment Study identifies the biological resources present and assesses potential impacts on any identified sensitive resources within the proposed project limits. Additional field surveys for rare plants were also conducted by Bureau of Land Management Botanist Anne Halford (April & May 1998). In addition to these field surveys, a literature review and records search for sensitive resources within the vicinity of the project study area were completed in 1999. The literature review included public documents and the California Natural Diversity Database, as well as standard field guides and texts on sensitive and non-sensitive biological resources.

Impacts are presented in terms of permanent displacement, resulting from grading, paving, or adding culverts, and the vegetation that would not be expected to re-establish following construction. Areas with temporary displacement due to grading are those that would be disturbed during construction, but where vegetation would re-establish itself following construction. Both alternatives are very similar in the extent of permanent impacts and the species that they affect. Alternative 2, however, which includes four additional new lanes in the vicinity of Manzanar National Historic Site, has more extensive temporary and permanent impacts in total acreage.

3.8.1 Affected Environment

The terrain in the study area is generally flat or gently sloping to the east, dominated by various scrub habitats: shadscale scrub, rabbitbrush scrub, big sagebrush scrub, Modoc-Great Basin riparian scrub and Mojave riparian forest.

Wetlands in the survey area that meet the criteria of the 1987 Corps guidelines do not occur in the project study area. The Wetland delineation forms (Data Form, Routine Onsite Determination Method) of the Dames and Moore Natural Environment Study (1994) show as a jurisdictional determination and rationale that there are wetlands in the survey area. Nevertheless, the forms also indicate that the wetland hydrology criterion is not met, and the soil conditions are not satisfactory for wetland determination. Since all three criteria of this determination method have to be met to qualify as a wetland, Caltrans determined that there are no wetlands present in the project study area. However, work in and around Shepherd Creek would require a Section 1601 permit and the approval of the Lahontan Regional Water Quality Control Board.

Table 3.2 presents federal endangered and threatened species that may occur in the project area, as determined by the U.S. Department of the Interior, Fish and Wildlife Service (October 18, 2002, see Appendix D). Caltrans requested a species list from the U.S. Fish and Wildlife Service on November 24, 1998, which was updated by phone on June 17, 1999 and May 15, 2001. A new species list was received October 18, 2002, which shows no changes to the listed species. Of the species on the list, only five were classified as “Endangered” and two were classified as “Threatened.” Table 3.2 depicts the species mentioned above (see also Appendix D for the letter from the U.S. Fish and Wildlife Service). The list contains four birds, two fish species and one plant classified as “Endangered” or “Threatened.” In addition, state listed

species as shown in the California Natural Diversity Database, are documented in the *Natural Environment Study, 2003*.

Table 3.2 Federal Special-Status Species

| COMMON NAME | SPECIES | STATUS |
|--------------------------------|---|------------|
| BIRDS | | |
| Least Bell's vireo | <i>Vireo belli pusillus</i> | Endangered |
| Southwestern willow flycatcher | <i>Empidonax traillii extimus</i> | Endangered |
| Bald Eagle | <i>Haliaeetus leucocephalus</i> | Threatened |
| American Peregrine Falcon | <i>Falco peregrinus anatum</i> | Endangered |
| FISHES | | |
| Owens Valley Tui Chub | <i>Gila bicolor snyderi</i> | Endangered |
| Owens Pupfish | <i>Cyprinodon radiosus</i> | Endangered |
| PLANTS | | |
| Fish Slough milk-vetch | <i>Astragalus lentiginosus var. piscinensis</i> | Threatened |

3.8.2 Impacts

Alternative 1

Potential impacts to section 404 Other Waters of the U.S. and riparian (stream bank) areas are summarized for Alternative 1 in Table 3.3. Temporary impacts would result from the construction of wing walls at stream crossings to direct flows into culverts under the highway. Permanent impacts would result from fill of short reaches of the drainages. Approximately 0.004 hectare (0.01 acre) of Other Waters and 0.21 hectare (0.52 acre) of riparian vegetation would be permanently affected with this alternative.

Table 3.3 Impacts to Waters and Riparian Areas - Alternative 1

| Wetland Type | Temporary Impacts | Permanent Impacts |
|--|------------------------------|------------------------------|
| Other waters and California Department of Fish and Game streams | 0.008 hectare (0.02 acre) | 0.004 hectare (0.01 acre) |
| Riparian | 0.23 hectare (0.57 acre) | 0.21 hectare (0.52 acre) |

Approximately 31.48 hectares (77.79 acres) of temporary and 13.10 hectares (32.35 acres) of permanent impacts to vegetation providing potential habitat for several sensitive plant and animal species could be affected. It is expected that rabbitbrush scrub, a disturbance-response vegetation, would become established in this area. Loss of these habitats is considered minimal for common wildlife species, as such losses would be small relative to the abundance of these habitats in the region.

During the course of biological surveys, special attention was given to all the species listed as potentially occurring within the project vicinity. Although some of these species have the potential to use the habitat within or near the project area (none were observed), based on survey results, provisions, and protocols no effects are expected to occur to any federally or state endangered and threatened species as a result of this project alternative. No state or federal special- status species were observed within the project study area.

Alternative 2

Potential impacts to Section 404 Other Waters of the U.S. and riparian areas are summarized for Alternative 2 in Table 3.4. Temporary impacts would result from the construction of wing walls at stream crossings to direct flows into culverts under the highway. Permanent impacts would result from fill of short reaches of the drainages. Approximately 0.008 hectare (0.02 acre) of Other Waters and 0.21 hectare (0.52 acre) of riparian vegetation would be permanently affected with this alternative.

Table 3.4 Impacts to Waters and Riparian Areas - Alternative 2

| Wetland Type | Temporary Impacts | Permanent Impacts |
|--|------------------------------|------------------------------|
| Other waters and California Department of Fish and Game streams | 0.032 hectare (0.08 acre) | 0.008 hectare (0.02 acre) |
| Riparian | 0.25 hectare (0.62 acre) | 0.21 hectare (0.52 acre) |

Approximately 31.40 hectares (77.60 acres) of temporary and 16.34 hectares (40.38 acres) of permanent impacts to scrub vegetation providing potential habitat for several sensitive plant and animal species could be affected. It is expected that rabbitbrush scrub, a disturbance-response vegetation, would become established in this area. Loss of these habitats is considered minimal for common wildlife species, as such losses would be small relative to the abundance of these habitats in the region.

During the course of biological surveys, special attention was given to all the species listed as potentially occurring within the project vicinity. Although some of these species have the potential to use the habitat within or near the project area (none were observed), based on survey results, provisions, and protocols no effects are expected to occur to any state or federal special-status species as a result of this project alternative. No state or federal special- status species were observed within the project study area.

Construction within riparian areas and Other Waters of the U.S. would result in potential temporary and permanent impacts. This would include loss of riparian vegetation, loss of wildlife habitat, and in most cases, increased soil erosion.

Tule elk habitat is not expected to be adversely affected by either alternative of the proposed project. Impacts to small areas of potential foraging habitat, which is widespread in the region, would result from either alternative. No sensitive species other than the described birds were observed during the 1992, 1999, and 2001 surveys. The project would not cause any major impacts to the habitat of these species.

3.8.3 Mitigation

Impacts to riparian areas would be mitigated at a 1:1 ratio consistent with the California Fish and Game Section 1601 Streambed Alteration Agreement. Minor impacts to “Other Waters” would be subject to Section 404 Nationwide Permit #14 or #33 (Caltrans self-certified). Erosion control and habitat enhancement in active channels and riparian corridors consist of the following techniques:

- Grading
- Using biotechnical methods (such as combining plants and structures) to stabilize slopes and banks
- Using mulches and adhesives to hold the mulch in place
- Using erosion control blankets and plantings (see more detailed descriptions in Chapter 9 of the Natural Environment Study).

An additional mitigation method consists of the eradication of the invasive plant, Tamarisk, from the project vicinity. Methods are summarized in Chapter 1.3.2 and described in detail in Chapter 9 of the Natural Environment Study (Natural Environment Study, Manzanar 4-Lane Widening, Caltrans, June 2001).

Soil erosion could be caused by wind and/or water. Wind-borne dirt and dust are of particular concern in Inyo County during and after construction. If feasible, it is recommended to use onsite materials, including willows, grass sod, and topsoil for re-vegetation and erosion control. Three species of willow occur in drainages in the project area and should be used for this purpose:

- Narrow-leaf willow - *Salix exigua* is a large shrub that is easy to establish and an excellent soil stabilizer
- Red willow - *Salix laevigata* is a small tree and usable if salvaged
- Goodding's willow - *Salix gooddingii*

Swales or drainage collection areas, such as those that occur at the Los Angeles Aqueduct/U.S. Route 395 crossing, can be created during grading operations. These areas can be planted with riparian species to create new habitat. Final grade for re-vegetation should be rough, unless erosion control blankets or netting are used. All compacted soils should be ripped or loosened prior to re-vegetation treatment. Soil loosening should be conducted to match existing ground contours.

Migratory birds may try to nest on the ground, on structures or in trees, shrubs or other vegetation within the project limits. The Contractor may choose to use appropriate exclusion techniques to avoid nesting season delays. The Contractor shall notify the engineer 15 working days prior to beginning any ground or vegetation disturbing work between February 15 and September 1. The Engineer will request a pre-construction survey by the Department's biologist prior to the beginning of work between February 15 and September 1. If evidence of bird nesting is discovered, the Contractor shall not disturb the nesting birds or the nest until the birds have left the nest. If evidence of migratory bird nesting is discovered after beginning work, the Contractor shall immediately stop work and notify the Engineer

3.9 Historic and Archaeological Preservation

3.9.1 Affected Environment

The National Historic Preservation Act requires federal agencies, in consultation with the State Historic Preservation Officer, to consider the effects of their projects on properties eligible to the National Register of Historic Places. The State Historic Preservation Officer has concurred with the Federal Highway Administration's findings regarding eligibility of the 27 properties in the project area (Appendix H). In addition, concurrence from the State Historic Preservation Officer was received for

the Finding of Adverse Effect and Data Recovery Plan (Appendix L) and a copy of the Memorandum of Agreement between FHWA and SHPO.

3.9.2 Impacts

Two of the 27 properties are already listed on the National Register. The State Historic Preservation Officer has concurred (see Appendix H) that eight of the archaeological sites are also eligible for listing on the National Register and the California Register of Historic Resources and one site is indeterminate until construction activities will bring clarification. The remaining 16 archaeological sites do not meet the criteria for eligibility to the National Register. Both build alternatives would affect the same eligible cultural resources.

Properties that are listed on the National Register of Historic Places

Manzanar Relocation Center. The Manzanar National Historic Site was established by Congress on March 3, 1992 and is administered by the National Park Service. It is the site of the former Manzanar War Relocation Center, which was listed on the National Register of Historic Places on July 30, 1976. The center was listed because of its association with the internment of Japanese-American citizens during World War II. Although falling within the project area, conditions would be imposed on the project to preclude adverse affects to the relocation center.

Los Angeles Aqueduct (CA-INY-4591H). Although the Aqueduct is eligible for the National Register of Historic Places, the portion in the project area does not maintain sufficient integrity to contribute to the overall eligibility of the aqueduct.

- **Properties that are eligible for the National Register of Historic Places**

Hawthorne Homesite. This property is eligible for the National Register because of its association with the homestead era in the Owens Valley and its potential to contribute important information about the history of the region. It is not in the Area of Direct Impact for the project, so conditions would be imposed on construction activities to preclude inadvertent impacts to the site.

Downtown Manzanar. This 6-hectare (15-acre) site comprises the central portion of the town of Manzanar and the adjacent Lacey Homesite. It is significant at the local level for its association with the history and development of the Manzanar area and for its potential to contribute important information about the history of

the region. The property is not in the project's Area of Direct Impact. Conditions would be imposed on construction to preclude inadvertent impacts to the site.

Bogart Homesite. The Bogart Homesite is a 1910-1930 farm residence eligible for listing in the National Register at the local level of significance because of its association with the history and development of early twentieth-century agricultural lifestyles in the Owens Valley and its potential to contribute important information about the history of the region. This site is not in the Area of Direct Impact for construction. Conditions would be imposed upon the project to preclude any possible adverse affects to the property.

Brown's Ranch. This site is a historic ranch complex (Brown's Ranch), first deeded in 1872 as well as the site of a prehistoric and protohistoric occupation. The property is eligible to the National Register at the local level of significance because of its association with the history and development of the early twentieth-century agricultural lifestyles of the Owens Valley and its potential to contribute important information about the history and prehistory of the region. This site would not be impacted by construction activities. The entire site falls outside the Area of Direct Impact and conditions would be imposed on construction to preclude inadvertent impacts to the site.

There are four additional archaeological properties that would be affected by construction. All four sites are eligible for the National Register because they have the potential to contribute important information about the prehistory of the region.

- **Property with indeterminate National Register of Historic Places status**

CA-INY-4662/H, a possible early twentieth-century farmstead with some Native American artifacts, was severely compromised by construction activities in the past and has an indeterminate eligibility status until future construction activities clarify the status. Construction activities would be monitored at this site. At the discovery of potential for further research, the adverse effect on this site would be resolved by appropriate actions and included in the Memorandum of Agreement (see Mitigation below).

3.9.3 Mitigation

Avoidance is the preferred method of treating sites determined eligible for the National Register. However, because of the number of historic properties located in and near the construction area for the proposed project, this was not always possible. Avoidance was implemented where feasible. Some project redesign to minimize impacts has occurred but, because of the location of the sites and the type of project, impacts were not completely avoidable.

Adverse effects to the three eligible archaeological sites would be mitigated under the terms of the Memorandum of Agreement negotiated between the Federal Highway Administration and the State Historic Preservation Officer. The Advisory Council on Historic Preservation had an opportunity to review and comment on the Memorandum of Agreement and concurred. The Federal Highway Administration, State Historic Preservation Officer and Caltrans have concurred on this Memorandum of Agreement. A copy is located in Appendix M of this document. Although Downtown Manzanar, the Hawthorne and Bogart homesites, Brown's Ranch and CA-INY-4660/H fall within the project area, none fall within the Area of Direct Impact for construction of either alternative. Conditions would be imposed upon the project to preclude any inadvertent adverse effects to these properties. Archaeological monitoring would also be undertaken during construction as insurance against unanticipated effects to these historic properties.

Continuous monitoring during construction at CA-INY-4662/H would determine the eligibility status of this potentially eligible site. At the discovery of potential for further research, the adverse effect on this site would be resolved by appropriate actions and included in the Memorandum of Agreement.

If buried cultural materials are unearthed during construction, Caltrans policy states that work must be halted in the vicinity of the find until a qualified archaeologist can assess its significance. If human remains are unearthed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

3.10 Potential Impacts to the California Aqueduct and Manzanar National Historic Site

Based on evaluations conducted on the cultural resources identified within the project study area, two sites are already listed in the National Register of Historic Places. These are the Manzanar National Historic Site and the Los Angeles Aqueduct (see Appendix H).

Manzanar National Historic Site

The Manzanar National Historic Site was established by Congress on March 3, 1992, and is administered by the National Park Service. The Manzanar War Relocation Center (the Manzanar National Historic Site) was listed on the National Register of Historic Places on July 30, 1976 for its association with events that have made a significant contribution to the broad patterns of our history, specifically the internment of Japanese-American citizens during World War II.

Congress established the limits of the National Historic Site on the east side of U.S. Route 395, including the roadway into the historic site. Caltrans currently has an easement from right-of-way line to right-of-way line. The preferred alternative (Alternative 2)—construct a four-lane highway with median and frontage road—calls for approximately 3 kilometers (1.8 miles) of new four-lane roadway in the vicinity of the Manzanar National Historic Site to shift the new alignment 44 meters (144 feet) east of the existing roadway. The existing two lanes would be preserved and serve as a frontage road to provide access to the National Historic Site. This would improve traffic operations by providing room for vehicle storage during peak visitor hours and taking turning vehicles quickly off U.S. Route 395. Following completion of the new U.S. Route 395 alignment, the “new” frontage road would be detached from the new alignment at the north and south ends. A new access and median crossing would be created close to the historic site’s entrance at the existing Manzanar Reward Road. The National Park Service would then assume ownership and maintenance responsibilities for the former state highway.

As noted in Figure 2-5, for the proposed road connection, the existing Manzanar Reward Road would be paved from the new (Alternative 2) alignment to the existing U.S. Route 395 (new Manzanar National Historic Site frontage road). The Manzanar Reward Road currently provides the only public access to the Sierra Nevada backcountry in the vicinity. The existing, unpaved Manzanar Reward Road would provide a single, paved access to the Manzanar National Historic Site.

Los Angeles Aqueduct

The Los Angeles Aqueduct was evaluated for Caltrans' previous Mojave Bypass project in Kern County, and the Federal Highway Administration and State Historic Preservation Officer concurred that it is eligible for the National Register. However, the portion of the aqueduct in the project area does not contribute to that eligibility, because of severely compromised integrity. The State Historic Preservation Officer concurred on September 20, 2002 (see Appendix H) that this portion of the aqueduct is not eligible for the National Register.

3.11 Paleontology

A record search of the June 1, 2000 paleontological database showed only low sensitivity for the limits of this project. Therefore, no impacts are anticipated.

3.12 Hazardous Waste Sites

3.12.1 Affected Environment

The site assessment revealed no potential hazardous waste sites for either alternative other than the former Inyo County Maintenance Yard at kilometer post 108.63 (post mile 67.5). Caltrans did a field review of the maintenance site, but the site is located approximately 210 meters (700 feet) from the road. Areas closer to the highway have been used for equipment or material storage only. There are no indications that any spills or dumping have occurred anywhere near the proposed work areas. If hazardous waste were unexpectedly encountered during construction, the materials would be disposed of according to local, state, and federal laws and regulations.

Prior to the parcel takeover by the National Park Service from Inyo County, an outside consultant reviewed the site. Appropriate clean-up has been performed by the National Park Service.

3.12.2 Impacts

No impacts are expected.

3.12.3 Mitigation

No mitigation measures would be necessary.

3.13 Visual

3.13.1 Affected Environment

The project area encompasses two distinct types of landscape crossed by the highway right-of-way. The southern end of the project would cross the open water of the Los Angeles Aqueduct and its associated riparian habitat; the northern two-thirds of the project would cross through typical sage scrub habitat.

The methods used in developing this Visual Impact Assessment follow the Federal Highway Administration's guidelines and previous Visual Assessments used on other Caltrans projects. Existing visual conditions were analyzed from a number of different viewpoints. Pre-project photos and computer simulations of the project after the proposed construction support the visual evaluation. The computer simulations represent the artist's view of all changes to the roadway and adjoining areas.

Three viewpoints were selected for the visual analysis. These viewpoints contain the visual resources typical of segments on the U.S. Route 395 corridor or areas where the views are considered sensitive to those on the highway and those looking toward the highway. To analyze these views, the point of view of two groups must be used, the view of the roadway traveler (view from the road) and the person with a view toward the road. A picture of Viewpoint 3 was included in this document because it represents the area with the most striking impact (Viewpoints 1 and 2 can be seen in the Visual Impact Assessment Report, 1-20-99).

3.13.2 Impacts

First Viewpoint (kilometer post 103.8/post mile 64.5)

The unity of the view is disturbed by the expanse of the new paved roadway replacing the native vegetation. This factor would be the most visible in the foreground at this viewpoint because of the removal of some trees along the aqueduct and its associated riparian areas.

Second Viewpoint (kilometer post 109.4/post mile 68.0)

There would be very little change to views from this viewpoint. The exchange of native scrubs for the ribbon of asphalt would have very small impact. The view toward the roadway from adjoining roads and the National Park would remain unchanged because of the scrubs and trees blocking the actual roadbed. Because the area is very flat in nature and the roadway would only be moved approximately 44 meters (144 feet) farther east from the National Park for Alternative 2, the new roadway would have no major different visual impacts from the National Park for both build alternatives.



Existing view south near KP 116.0/PM 72.0



Proposed view near KP 116.0/PM 72.0

Figure 3-1 Existing and Proposed View near KP 116.0 (PM 72.0)



Furthermore, for Alternative 2, the existing roadway would be converted into a frontage road, therefore, keeping the traffic at the same distance to the park for either alternative. There is no distinct difference in the visual impact anticipated between Alternatives 1 and 2.

Third Viewpoint (kilometer post 115.9/post mile 72.0)

This view would offer the most striking impact (see Figure 3-1) as viewed from the roadway, with the addition of another long ribbon of asphalt, which stretches into the distance. Clearing of the median vegetation would disturb the placid unity of this view. The overall view, however, would remain intact because of the distances involved and the wide-open mountain range-to-mountain range views down the valley.

3.14 Construction

Construction would generate temporary noise, dust and delays at the north and south ends due to the transitions into the existing roadways. The 30.5-meter-wide (100-foot-wide) median would minimize these impacts by separating most construction from traffic. The contractor would be required to comply with all local noise control regulations and ordinances. Dust would be controlled by standard construction practices such as spraying of disturbed areas with water, constraints on work on windy days, and erosion control measures after construction.

This project is also subject to Unified Air District regulations to control dust emissions from human activities. The specific rules that apply to the project are rule 400–Opacity, rule 401-Fugitive Dust, and rule-402 Nuisance². Rule provisions require that disturbed areas that are not actively used for seven days be stabilized to limit visible dust emissions; ground-disturbing activities be undertaken with appropriate dust control measures during disturbance; visible dust emissions from onsite unpaved roads and offsite unpaved access roads be effectively limited; and accumulated mud or dirt be removed from public paved roads, including shoulders adjacent to construction.

Portable concrete batch plants and AC batch plants are associated with this project. The operator of these plants would comply with all environmental requirements. An aggregate crushing and screening plant would potentially be needed within the

² Ref: <http://www.arb.ca.gov/drdb/gbu/cur.htm>

Caltrans right-of-way and the contractor would comply with all environmental requirements.

IT Corporation conducted studies in March 2001 to determine the presence of aerially deposited lead. Laboratory testing of soil samples collected by the contractor at selected locations indicates that the total lead concentration was relatively low. One location (boring 251 at the southern end), however, had concentration in excess of 350 milligrams per kilogram. Based on the statistical analysis, the soil, if treated as a whole and sampled on a composite basis from stockpile generated during construction activities, would not be considered hazardous. Even though aerially deposited lead is present in non-hazardous amounts, special provisions have been added to Appendix E to prevent or minimize exposure of employees.

A traffic management plan should not be required for Alternative 1 or 2. Existing traffic can remain on the existing highway during construction of the new lanes and then be routed onto the new lanes during improvements to the existing lanes. Provisions would be made for staging construction for purposes of constructing new lanes, improving existing lanes, and providing safe traffic movement.

With all the appropriate Caltrans measures in place, temporary construction-related impacts would not be substantial.

Construction Impacts to Georges, Bairs and Shepherd Creeks

There would be new culverts installed at Shepherd, Georges and Bairs creeks for the new northbound lanes, and the existing culverts in the existing lanes would be replaced. The rock slope protection to be placed for the new culverts would require clean or washed material to minimize adding sediment to the creeks. After the old culverts are removed, the creek slopes would be re-vegetated and re-contoured to conform to the existing banks.

The culverts would be constructed, maintained, and placed in operation, so that sufficient water shall be allowed to pass between downstream and upstream locations to maintain aquatic life as near original conditions as would be maintained without such a structure in the creek.

When work in the creeks is unavoidable, the entire stream flow for the perennial creeks (Shepherd and Georges creeks) would be diverted around the work area by a temporary barrier and/or diversion. Channel banks or barriers would not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock

riprap, or other protective material. The enclosure and the supportive material would be removed when the work is completed. The removal shall normally proceed from downstream in an upstream direction. Work in the intermittent-flowing Bairs Creek would be done during the no-flow season.

Silty/turbid water would not be discharged into the stream. Such water would be settled, filtered, or otherwise treated prior to discharge. This requires silt filter barrier material, sedimentation basins or sediment curtains be placed so silt or other harmful materials are not allowed to pass downstream during project activities.

Construction of the new culverts and removal of the existing culverts would be completed without deposit of construction material, pollutants, or debris into the river. Water containing mud, silt, or other pollutants from aggregate washing or any other construction activity would not be allowed to enter the stream or be placed in locations that may be subjected to high storm flows. Areas of disturbed soils with slopes toward a stream, such as roadway shoulder areas, would be stabilized to reduce erosion potential. Where possible, stabilization would include the re-vegetation of stripped or exposed areas with vegetation native to the area. The use of native seed and straw would be acceptable in these areas. Where suitable vegetation cannot reasonably be expected to become established, non-erodible materials may be used for such stabilization.

Spoil sites would not be located within the creeks, where spoil could be washed back into a stream, or where it would cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of a creek that could be washed downstream or could be harmful to aquatic life would be removed from the project site prior to inundation by high flows.

Staging/storage areas for equipment and materials would be located outside of the creeks or their associated riparian habitat areas. Any equipment or vehicles driven and/or operated within or adjacent to the creeks shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be harmful to aquatic life. No equipment maintenance would be done within or near any creek channel or waters where petroleum products or other pollutants from the equipment may enter these areas under any flow.

No debris, soil, silt, sand bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products, or other organic or earthen material from any maintenance, construction, or associated activity of whatever nature would be

allowed to enter into or be placed where it may be washed by rainfall or runoff into waters. When operations are completed, any excess materials or debris would be removed from the work area. No rubbish shall be deposited within 45 meters (150 feet) of the high water mark.

The clean-up of all pollution spills would begin immediately. The Operator would notify Caltrans immediately of any spills and would consult with Caltrans regarding clean-up procedures and requirements.

Shepherd Creek, being a perennial-flowing fishery stream, would be the one area that would require special attention. Construction activities can create a short-term impact from unwanted and unnecessary soil erosion. Sediment transport into the nearby Los Angeles Department of Water and Power Aqueduct or even increased turbidity (cloudiness) levels downstream can occur if improper construction procedures are used. The aqueduct would require a bridge span that would not introduce any new sediment or contaminants into its flow. Coordination with the Los Angeles Department of Water and Power, Department of Fish and Game, and the Lahontan Regional Water Quality Control Board would be required during the design stages, as well as during construction.

Compliance with the above-mentioned regulations and standards would avoid any major impacts.

Chapter 4 Cumulative Impacts

Cumulative effects are a concern where proposed projects may reinforce each other's stimulative effects on development interests and create multiple demands on an area's resources and ability to accommodate growth. Cumulative impacts can result from individually minor, but collectively substantial, effects of projects taking place over a period of time.

Because of the constraints on available water and land, no large commercial or residential developments are currently proposed or planned in the project vicinity in Inyo County that would have any major effect on the highway project.

There are two transportation projects in the region. Immediately to the south, construction for the four-lane widening project, Alabama Gates, was finished in December 1999. The project limits connected directly into the southern limits of the Manzanar project at kilometer post 104.6 (post mile 65.0). The purpose of the project was to increase capacity, provide route continuity, and improve safety. In addition, the wide median would provide safe crossings for animals.

To link to the Manzanar project to the north, Caltrans proposes to widen U.S. Route 395 from kilometer posts 113.1 to 122.5 (post miles 70.3 to 76.1) in the vicinity of the town of Independence in Inyo County (Independence Four-Lane project). A second project, the Black Rock Four-Lane project, is being proposed north of Independence on U.S. Route 395 from kilometer posts 124.4 to 147.4 (post miles 77.3 to 91.6). The purpose of these proposed projects is to increase capacity, provide route continuity, and improve safety. Currently, both projects are in the draft environmental document phase.

Because of existing constraints imposed by water and land availability, the project is not expected to substantially accelerate or induce growth in the region.



Chapter 5 **List of Preparers**

This Environmental Assessment/Initial Study was prepared by the Central Region of the California Department of Transportation (Caltrans). The following Caltrans staff prepared this Environmental Assessment/Initial Study:

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Appendix A Environmental Checklist

One of the basic purposes of the California Environmental Quality Act (CEQA) is to inform state, regional and local governmental decision makers and the public of impacts of proposed activities, and in particular, those impacts that are either significant or potentially significant.

Determining and documenting whether an activity may have a significant effect on the environment plays a critical role in the CEQA process. The following CEQA Environmental Significance Checklist is a device that was used to identify and evaluate any potential impacts from the proposed activity on physical, biological, social and economic resources. This checklist is not a National Environmental Policy Act (NEPA) requirement.

Differences do exist in the way impacts are addressed in CEQA environmental documents as compared to NEPA environmental documents. While CEQA requires that environmental documents state a determination of significant or potentially significant impacts, as has been done in the following CEQA checklist, NEPA does not. It can be seen that having to address significant or potentially significant impacts in joint CEQA and NEPA environmental documents can be confusing especially in those instances where the two laws and implementing regulations have different thresholds of significance.

Under NEPA, the degree to which a resource is impacted is only used to determine whether a NEPA Environmental Impact Statement or some lower level of NEPA documentation would be required. Under NEPA, once the Federal agency has determined the magnitude of the project's impacts and the level of environmental documentation required, it is the magnitude of the impact that is evaluated in the environmental document and no judgment of its degree of significance is deemed important in the document text. For the purpose of the impact discussion in this document, determination of significant or potentially significant impacts is made only in the context of CEQA. Although not explicitly identified in this document, impacts in the context of NEPA can be assumed to be minimal or non-existent.

Based on the results of the technical studies, it has been determined that the appropriate level of CEQA environmental documentation for this project is an Initial Study/Negative Declaration.

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

AESTHETICS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

d) Expose sensitive receptors to substantial pollutant concentrations?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

e) Create objectionable odors affecting a substantial number of people?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

| | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

COMMUNITY RESOURCES - Would the project:

a) Cause disruption of orderly planned development?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Be inconsistent with a Coastal Zone Management Plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Affect life-styles, or neighborhood character or stability? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Affect minority, low-income, elderly, disabled, transit-dependent, or other specific interest group? | | | | |
| f) Affect employment, industry, or commerce, or require the displacement of businesses or farms? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Affect property values or the local tax base? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Affect any community facilities (including medical, educational, scientific, or religious institutions, ceremonial sites or sacred shrines)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Result in alterations to waterborne, rail, or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Support large commercial or residential development? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k) Affect wild or scenic rivers or natural landmarks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l) Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

CULTURAL RESOURCES - Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

GEOLOGY AND SOILS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

| | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ☐ ☐ ☐ ☒

HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements? ☐ ☐ ☐ ☒

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ☐ ☐ ☐ ☒

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☐ ☐ ☒

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ☐ ☐ ☐ ☒

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? ☐ ☐ ☐ ☒

f) Otherwise substantially degrade water quality? ☐ ☐ ☐ ☒

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ☐ ☐ ☐ ☒

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

LAND USE AND PLANNING - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

MINERAL RESOURCES - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

NOISE - Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

project expose people residing or working in the project area to excessive noise levels?

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

POPULATION AND HOUSING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

PUBLIC SERVICES -

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

RECREATION -

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

facilities which might have an adverse physical effect on the environment?

TRANSPORTATION/TRAFFIC - Would the project:

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

UTILITIES AND SERVICE SYSTEMS - Would the project:

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| CEQA | | | |
|--------------------------------|--|------------------------------|-----------|
| Potentially significant impact | Less than significant impact with mitigation | Less than significant impact | No impact |

adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

g) Comply with federal, state, and local statutes and regulations related to solid waste?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

MANDATORY FINDINGS OF SIGNIFICANCE -

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

| | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Appendix B Coordination and Consultation

The following agencies and organizations were consulted and coordinated with during the project development:

U. S. Fish & Wildlife Service. Caltrans requested and, on November 24, 1998, received a list of endangered and threatened species that might be present in the project area. Caltrans contacted the U.S. Fish and Wildlife Service and received a species list on October 18, 2002 (see Appendix D).

California Department of Fish and Game. Caltrans entered into consultation with the Department regarding the project's impacts upon California listed species. A 1601 Streambed Alteration Agreement would be needed for construction activities around creeks to ensure maximum protection for riparian habitats affected by the proposed project.

U.S. Army Corp of Engineers. Under the Clean Water Act, the impacts of this project to Jurisdictional Waters of the U.S. would be covered under a Nationwide Permit 14 (Linear Transportation Crossing) and 33 (Temporary Construction, Access, Dewatering) under Section 404.

Regional Water Quality Control Board. The Regional Water Quality Control Board has jurisdiction over construction activities adjacent to the waterways under the Clean Water Act (401).

U.S. Department of the Interior, National Park Service. Received letter (July 22, 1996) stating that the National Park Service supports Alternative 2 (included in Appendix I). There has been a continuing dialog and partnership with the National Park Service since 1994. The National Park Service supports Alternative 2, which moves the highway alignment eastward and outside of the National Historic Site boundary. The National Park Service has provided some of the archaeological and biological surveys for the portion of the project within the National Historic Site boundaries.

During a meeting (December 9, 2003) with the National Park Service, the park service representatives sympathized with the phasing plan due to budget problems and stated their desire for the entire project to be constructed. The National Park Service would try to contribute congressional money to the project.

City of Los Angeles Department of Water and Power. There has also been coordination with the Los Angeles Department of Water and Power, centering on the location and type of bridge, in addition to the current bridge, that would span the Los Angeles Department of Water and Power Aqueduct at post mile 65.7 and impacts to existing wells. In addition, all new right-of-way acquisition would come from Los Angeles Department of Water and Power land.

Native American Heritage Commission. Native American consultation efforts included contacting Debbie Pilas-Treadway of the Native American Heritage Commission on May 4, 1993 concerning the inventory; solicitation of input or concerns in regular mailings to Native American groups in 1994-1997; and the participation of Priscilla Naylor as Native American Monitor during the Phase II excavations at the prehistoric sites. To date, no specific Native American input or concerns with respect to the project have been received.

State Historic Preservation Officer. Concurrence pursuant to the National Historic Preservation Act that cultural studies were adequate and that archaeological sites CA-INY-4685/H, CA-INY-5883, CA-INY-5888, CA-INY-5894/H were determined to be eligible for the National Register of Historic Places is contained in Appendix H.

In addition, there has been correspondence received from the **Inyo County Local Transportation Commission, State Senator Quentin Kopp** and the **Manzanar Committee**.

Public Participation and Information

A Public Information Meeting/Open House was held Monday, August 10, 1998, from 5:00 to 7:00 p.m. at the Inyo County Board of Supervisors' Chambers in Independence, California. The purpose of this meeting was to update the public on the progress of the engineering and environmental studies and to answer questions concerning the project. Exhibits described the environmental process and preliminary project alternatives. The public was informed about this information meeting through flyers, announcements and publications in local newspapers. Nineteen people, including six agency representatives and 13 members of the public, attended the public meeting. Among the attendees were representatives from the American Automobile Association (Bishop), the County of Inyo, and the California Highway Patrol (Lone Pine). There were no objections or concerns raised regarding the project, and Alternative 2 was favored. On February 10, 2003, an additional public meeting was held at the American Legion Hall in Independence, California, in coordination

with the Independence and Black Rock projects to discuss right-of-way issues with the public.

The Draft Initial Study/Environmental Assessment was circulated to the public from July 1, 2003 to August 15, 2003. During the public comment period Caltrans made the Initial Study/Environmental Assessment available to the public and published the opportunity for a public hearing in the Inyo County Register. In addition, the document was available on the Internet. A total of three comments were received. One letter was received from the City of Los Angeles Department of Water and Power, one from the Great Basin Unified Air Pollution Control District, and one from the California Department of Fish and Game. Not one of the agencies commented on the selected alternative, but rather on the content of the environmental document. Each response to comment is shown after the copy of the letters in Appendix K.



Appendix C Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5267
FAX (916) 654-6608



July 26, 2000

TITLE VI POLICY STATEMENT

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, sex and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

A handwritten signature in black ink that reads "Jeff Morales".

JEFF MORALES
Director



Appendix D U.S. Fish and Wildlife Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

In Reply Refer To: 2002-837

October 18, 2002

Juergen Vespermann
California Department of Transportation
2015 East Shields, Suite 100
Fresno, California 93720

Subject: Species List for the Widening of Highway 395, Inyo County, California (09-INY-395 PM 65/71.2 Manzanar Four-Lane Project)

Dear Mr. Juergen:

This letter is in response to your request of October 3, 2002, for a list of threatened and endangered species under our jurisdiction which may be present within or adjacent to the proposed Highway 395 widening project between post miles 65.0 and 71.2, Inyo County, California. The federally endangered southwestern willow flycatcher (*Empidonax traillii eximius*), least Bell's vireo (*Vireo bellii pusillus*), Owens tui chub (*Gila bicolor snyderi*), Owens pupfish (*Cyprinodon radiosus*), and the federally threatened Fish Slough milk-vetch (*Astragalus lentiginosus* var. *piscinensis*) may occur in this area.

This response fulfills the requirements of the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act of 1973, as amended (Act). The Federal Highway Administration (FHWA), as lead federal agency for the proposed action, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the proposed action requires the preparation of an environmental impact statement, the FHWA has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species. If the FHWA determines that a listed species is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts with respect to threatened or endangered species prior to a written request for formal consultation. During this review process, the FHWA may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

Only listed species receive protection under the Act. However, other sensitive species should be considered in the planning process in the event they become listed or proposed for listing prior to

Juergen Vespermann

2

project completion. We recommend that you review information in the California Department of Fish and Game's (Department) Natural Diversity Data Base and that you contact the Department at (916) 324-3812 for information on other species of concern that may occur in this area.

If you have any questions, please call George Walker of my staff at (760) 255-8852.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carl T. Benz", with a stylized flourish at the end.

Carl T. Benz
Assistant Field Supervisor
South Coast/Deserts

Appendix E Special Provisions

Lead Provisions

Studies conducted in March 2001 to determine if the soil in the project area was contaminated with aerially deposited lead did not reveal any significant levels. However, prior to any excavation or other disturbance of the soil in the project boundaries, a project-specific Health and Safety Plan must be developed that is designated to prevent or minimize exposure of employees to the potential lead hazard.

The required elements of the site safety plan are contained in Title 8, California Code of Regulations (CCR), Section 5192(b) (4) (B) and the Occupational Safety and Health Guidance Manual published by the National Institute of Occupational Safety and Health, Occupational Safety and Health Administration, and the U.S. Environmental Protection Agency.

Prior to performing any work in areas containing lead, personnel who have no prior training or are not current in their training status, including State personnel, shall complete a safety training program that meets the requirements of Title 8, CCR Section 1532.1.



Appendix F Floodplain Evaluation Summary Report

Floodplain Evaluation Report Summary

Dist.: 09 Co.: INY Rte.: 395 P.M.: 64.5/71.2 K.P.: 103.8/114.6

Project No.: EA 09-21440 Bridge No.: #48-14

Limits: From 1.1 miles (1.8 km) south of L.A. Aqueduct Bridge #48-14 to 1.8 miles (2.9 km) south of Mazourka Canyon Road.

Floodplain Description: Within the project limits the highway crosses the Los Angeles Aqueduct, Bairs Creek, Shepherd Creek, Symmes Creek, and several drainage channels and swales.

| | Yes | No |
|--|---------|---------|
| 1) Is the proposed action a longitudinal encroachment of the base floodplain? | _____ | ___X___ |
| 2) Are the risks associated with the implementation of the proposed action significant? | _____ | ___X___ |
| 3) Will the proposed action support probable incompatible floodplain development? | _____ | ___X___ |
| 4) Are there any significant impacts on the natural and beneficial floodplain values? | _____ | ___X___ |
| 5) Routine construction procedures are required to minimize impacts on the floodplain. Are there any special mitigation measures necessary to minimize impacts or restore and preserve natural and beneficial floodplain values? If yes, then explain. | _____ | ___X___ |
| 6) Does the proposed action constitute a significant floodplain encroachment as defined in 23 CFR, Section 650.105(q). | _____ | ___X___ |
| 7) Are Location Hydraulic Studies that document the above answers on file? If not, explain. | ___X___ | _____ |

PREPARED BY:

Truman Plomin
Signature- District Hydraulics Engineer

10/14/98
Date

Mike Donahue
Signature- District Environmental Branch Chief

10/20/98
Date

John L. Ensch
Signature- District Project Engineer

10/14/98
Date

I CONCUR:

John L. Ensch
Signature- FHWA

10/20/98
Date



Appendix G Location Hydraulics Study

Location Hydraulics Study

For Proposed Project:

09-INY-395- PM 64.5/71.2 (KP 103.8/114.6) "Manzanar 4-lane"

The proposed action is to convert Rte 395 from the existing two lane conventional highway to divided four-lane expressway from P.M. 64.5 to P.M. 71.2 (KP 103.8 to KP 114.6). The new lanes will be added to the east of the existing highway allowing for a 100' (30.5 m) median.

U.S. Route 395 is a major north-south highway is at the eastern base of the Sierra Nevada mountains.

Within the limits of the project the highway crosses over the City of Los Angeles Aqueduct and several small creeks which flow easterly down the eastern flank of the mountains into the LA Aqueduct. These creeks are Bairs Creek, Shepherd Creek, and Georges Creek. The highway also crosses over other minor drainage courses and swales.

The LA Aqueduct crosses at the south end of the project, then parallels the highway on the east side. The Owens River floodplain as determined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Maps (FIRM) is about 2 miles east of the highway. At the north end of the project the LA DWP has an extensive system of earthen dikes and detention / catch basins upslope from the highway which reduce the peak flows at the highway from PM 69.8 (KP 112.3) to PM 71.3 (KP 114.7).

All drainage facilities will be designed to convey the 100 year flow including the new bridge at the L.A. Aqueduct. The LA Aqueduct is controlled flow in an unlined channel.

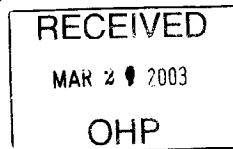
The proposed action will not have the effect of significantly raising the base (100 year) flood water surface elevations within the project and is not considered a significant encroachment on any floodplains.



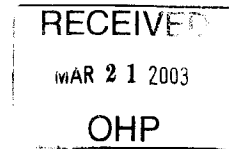
Appendix H SHPO Concurrence Letter on HPSR



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814-2724



March 20, 2003



IN REPLY REFER TO
HDA-CA
File # 09-Iny-395 PM 65.0/71.2
Manzanar Four-lane Project
Document # P 43926

CERTIFIED RETURN RECEIPT REQUESTED # 7002-0510-0003-5330-2805

Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

F HWA 020118A

Attn: Hans Kreutzberg

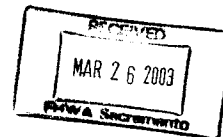
Dear Dr. Mellon:

On February 18, 2003, the State Historic Preservation Officer (SHPO) provided comments on a letter from the FHWA dated November 6, 2002, and on an October 2002 *Amended Historic Property Survey Report: Manzanar Four-Lane Upgrade Project*. (FHWA 020118A).

The letter states that SHPO would like to obtain agreement to consider CA-Iny-4660/H and CA-Iny-4662/H potentially National Register eligible for the purposes of this undertaking. This would permit us to move promptly forward with consultation on effects and it would afford the opportunity to use an Environmentally Sensitive Area (ESA) designation to ensure that these properties are not adversely affected by the undertaking.

In response to the SHPO's recommendations, the FHWA proposes the following course of action:

1. The FHWA now considers CA-Iny -4660/H to be prospectively National Register eligible for purposes of this consultation and will stipulate in the Memorandum of Agreement (MOA) for the undertaking that this site will be protected with an ESA.
2. The FHWA now considers the National Register eligibility of CA-Iny-4662/H to be indeterminate. Construction of the undertaking will impact CA-Iny-4662/H. The FHWA proposes to address the indeterminate National Register status of this site in accordance with 36 CFR § 800.13(a)(2). Pursuant to this section of the Part 800 regulation, the MOA and treatment plan proposed to resolve the adverse effects of the undertaking will stipulate the following:
 - a. Construction activity in the vicinity of CA-Iny-4662/H will be monitored by appropriately qualified professionals;
 - b. If as yet undocumented archaeological materials comprising CA-Iny-4662/H are discovered during construction, the monitor will halt construction;
 - c. The FHWA will ensure that the discovery is evaluated by an appropriately qualified professional using the National Register criteria,



- d. If, based on the evaluation conducted, the FHWA determines that CA-Iny-4662/H does not meet the National Register criteria, this site will receive no further consideration under the MOA,
- e. On the other hand, if the FHWA determines that CA-Iny-4662/H does meet the National Register criteria, the adverse effect of the undertaking on this site will be resolved by appropriate actions such as the recovery of the sorts of data that qualify this site for inclusion in the National Register.

Your agreement with this course of action may be evidenced by executing the signature block at the end of this letter and returning a copy to me.

Thank you for your assistance in this matter. If needed, please contact Dominic Hoang at (916) 498-5002 or Gary Sweeten at (916) 498-5128.

Sincerely,



For
Gary N. Hamby
Division Administrator

Concur:



Dr. Knox Melton
California State Historic Preservation Officer

Date:

3/25/2003

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.cal-parks.ca.gov



18 February 2003

In Reply Refer To
FHWA020118A

Gary N. Hamby
Division Administrator
California Division
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

RE: HDA-CA, FILE NO. 09-INY-395 PM 65.0/71.2, MANZANAR FOUR-LANE PROJECT,
DOCUMENT NO. F 42442 [FURTHER SECTION 106 CONSULTATION ON AN
UNDERTAKING TO UPGRADE U.S. HIGHWAY 395 NEAR MANZANAR, INYO COUNTY]

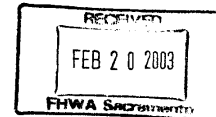
Dear Mr. Hamby,

I herewith respond to your letter of 6 November 2002 and to the October 2002 *Amended Historic Property Survey Report: Manzanar Four-Lane Upgrade Project* that you include under the cover of that letter.

I acknowledge the Federal Highway Administration's (FHWA) 15 October 2002 revisions to the undertaking's area of potential effects (APE) to (1) incorporate the portions of fourteen archaeological sites that the agency left out of the undertaking's original APE and to (2) expand the APE along U.S. Highway 395 in Inyo County to the southeast from postmile 65.2 to 65.0. I now concur that the FHWA's determination and documentation of the APE are adequate pursuant to 36 CFR § 800.4(a)(1).

On the basis of 14 February 2003 information from Tom Mills, California Department of Transportation (Caltrans) District 9 Associate Environmental Planner, Archaeology on a prior Caltrans effort to identify historic properties along the above portion of U.S. Highway 395 from postmile 65.2 to 65.0, I concur that the FHWA's effort to identify historic properties in the undertaking's APE, pursuant to 36 CFR § 800.4(b), is adequate.

The recent 30 October 2002 consensus determination (OHP File No. FHWA010814A) that CA-Iny-4590H, the Inyo County Wagon Road, is not eligible for inclusion in the National Register of Historic Places (National Register) removes the property from further consideration in the present consultation.



GARY N. HAMBY
18 FEBRUARY 2003
PAGE 2 of 3

FHWA020118A

I acknowledge and agree with the FHWA's determination that the portions of CA-Iny-4944H in the undertaking's APE lack integrity and would not contribute to the eligibility of CA-

Iny-4944H should that property ever be found to be eligible for inclusion in the National Register either as a contributing element to CA-Iny-3802/H, the Manzanar War Relocation Center, or as an individual property.

I acknowledge the FHWA's 30 January 2003 consideration of the presence and potential National Register eligibility of a Manzanar Irrigated Farms historic district, and I concur in the agency's determination that the property, as the FHWA defines it in the context of the present consultation, is *not* eligible for inclusion in the National Register.

I now concur with the FHWA's determinations that

CA-Iny-4881H
CA-Iny-5895H

CA-Iny-4924H

CA-Iny-5882

are *not* eligible for inclusion in the National Register.

I acknowledge the FHWA's revisions to particular National Register determinations that the agency made on 15 January 2002 and now concur that

CA-Iny-4875H

CA-Iny-4876H

are eligible for inclusion in the National Register.

I now concur with the FHWA's determinations that

CA-Iny-4658/H
CA-Iny-5888

CA-Iny-4883/H
CA-Iny-5894/H

CA-Iny-5883

are eligible for inclusion in the National Register, and I further concur with the FHWA's determination that the prehistoric component of CA-Iny-4883/H does not contribute to that property's National Register eligibility.

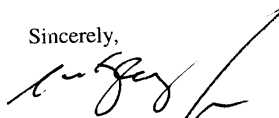
I would like to obtain your agreement to consider CA-Iny-4660/H and -4662/H potentially National Register eligible for the purposes of this consultation only. The beneficial result of concluding this agreement would be two-fold. First, it would permit us to move promptly forward with consultation on effects. Secondly, it would afford the FHWA and Caltrans the opportunity to use an Environmentally Sensitive Area designation or other suitable measure to ensure that these properties are not adversely affected by the undertaking. Your agreement to this course of action may be evidenced by executing the signature block at the end of this letter and returning a copy to me either by mail or facsimile.

Please direct any questions or concerns that you may have to Project Review Unit archaeologist Mike McGuirt at 916.653.8920 or at mmcguirt@ohp.parks.ca.gov.

GARY N. HAMBY
18 FEBRUARY 2003
PAGE 3 of 3

FHWA020118A

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

| | |
|--|------------|
| _____ | Date _____ |
| Gary N. Hamby, Division Administrator California Division, Federal Highway Administration | |

WKM:mdm



STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942886
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



December 9, 2002

REPLY TO: FHWA010814A

Michael G. Ritchie, Acting Division Administrator
Federal Highway Administration
California Division
980 Ninth Street, Suite 400
SACRAMENTO CA 95814-2724

Re: State Route Widening Project, U.S. 395. Independence, Inyo County.

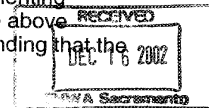
Dear Mr. Ritchie:

In our letter of March 20, 2002, we concurred with the Federal Highway Administration's (FHWA) finding that a segment of the Inyo County Wagon Road (CA-INY-4590H), located within the Area of Potential Effects (APE) of the proposed U.S. 395 widening project (Post Miles 70.3 to 76.1), was ineligible for inclusion on the National Register of Historic Places (NRHP). Subsequent FHWA projects involving adjacent portions of U.S. 395 have raised questions regarding the potential NRHP eligibility of the remaining portions of the Inyo County Wagon Road. According to Jill Hupp, Associate Environmental Planner with the California Department of Transportation (Caltrans), approximately 40.4 miles of the 70 mile-long Old Inyo Wagon Road (58%) has been recorded for the purposes of five FHWA projects occurring along U.S. 395. These projects, along with their post mile (PM) limits, include the following:

- PM 91.0 to 99.2 - Fish Springs. Three segments identified.
- PM 77.3 to 91.6 - Aberdeen-Blackrock. Five segments identified.
- PM 70.3 to 76.3 - Independence. Three segments identified.
- PM 65.1 to 71.2 - Manzanar. One segment identified.
- PM 58.8 to 66.5 - Alabama Gates-Lone Pine. One segment identified.

In addition the Caltrans Cultural and Community Studies Office conducted a windshield survey of the linear feature in October 2000 in order to assess its general characteristics and integrity. The survey extended roughly from 56 miles, from Bishop (PM 114.00) to Lone Pine (PM 57.21) and included examinations of previously evaluated segments referenced above and any unrecorded segments discernable from U.S. 395. As a result of this survey and previous surveys of various segments along U.S. 395, Caltrans staff has concluded that none of the aforementioned segments meets NRHP eligibility criteria due to considerable loss of structural integrity.

FHWA is seeking our comments on the eligibility of the Old Inyo Wagon Road for inclusion on the NRHP in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. On the basis of the above information regarding the Old Inyo Wagon Road, we agree with FHWA's finding that the property does not meet any of the criteria for inclusion on the NRHP.





STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942898
SACRAMENTO, CA 94296-0001
(916) 653-6024 Fax: (916) 653-9324
calshpo@ohp.parks.ca.gov
www.ohp.cal-parks.ca.gov



20 September 2002

In Reply Refer To
FHWA020118A

Michael G. Ritchie
Division Administrator
California Division
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

RE: HDA-CA, FILE NO. 09-INY-395 PM 65.2/71.2, DOCUMENT NO. P38292 [SECTION 106
CONSULTATION ON AN UNDERTAKING TO UPGRADE U.S. HIGHWAY 395 NEAR
MANZANAR, INYO COUNTY]

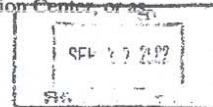
Dear Mr. Ritchie,

This letter is a response to your request that I review the December 2001 *Historic Property Survey Report, Manzanar Four-Lane Upgrade Project* (7 volumes) (HPSR). Your request and my comments here are made pursuant to 36 CFR Part 800, the regulations that implement Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended.

If the Federal Highway Administration (FHWA) were to revise the present area of potential effects (APE) for the subject undertaking [APE Map (Figure 3) of *Volume 1: Text and Maps of the HPSR*] to include the portions of CA-Iny-3782/H, -3802/H, -4657H, -4658H, -4662H, -4875H, -4876H, -4877H, -4881H, -4883/H, -4924H, -4928H, -5212, and -5894/H that presently lay outside the undertaking's APE, then I would be able to concur that the FHWA's determination and documentation of the APE was adequate pursuant to 36 CFR § 800.4(a)(1).

I concur that the FHWA's efforts to identify historic properties in the undertaking's APE, pursuant to 36 CFR § 800.4(b), are adequate.

I acknowledge that the Manzanar War Relocation Center (CA-Iny-3802/H) was listed in the National Register of Historic Places (National Register) on 30 July 1976, and I concur that ARS Locs 1-13 do not contribute to the significance of that property. I recommend that the FHWA consider a revision to the agency's National Register determination for CA-Iny-4944H, the Manzanar Relocation Center Sewage Treatment Plant, to find that the portion of CA-Iny-4944H in the undertaking's APE lacks integrity and would not contribute to the eligibility of CA-Iny-4944H should that property ever be found to be eligible for inclusion in the National Register either as a contributing element to CA-Iny-3802/H, the Manzanar War Relocation Center, or as



MICHAEL G. RITCHIE
20 SEPTEMBER 2002
PAGE 2 of 4

FHWA020118A

an individual property. I request that the FHWA clarify the agency's National Register determination for CA-Iny-4924H, a system of wells, and drinking and irrigation pipelines, to indicate how much of the system has been recorded, how much of the system is in the undertaking's APE, how much of the portion of the system that may be in the APE is potentially subject to impacts from the implementation of the undertaking, and whether the FHWA conceives of the system as an individual property or as a contributing element to another property.

The FHWA and the State Historic Preservation Officer (SHPO) agreed on 26 July 1995 [Office of Historic Preservation (OHP) File No. FHWA950615A] that the "first LAA [Los Angeles Aqueduct]" is potentially eligible for inclusion in the National Register and that the "second LAA" is not an historic property. The SHPO reaffirms the consensus determination for "KER-3594H—First Los Angeles Aqueduct" in a letter of 25 September 1995 and states the judgement that the "appropriate period of significance for this property is 1908–1924." The Los Angeles Aqueduct, as a whole water conveyance system, presently has the designations of CA-Ker-3594H and CA-Iny-4591H. The SHPO agreed in a letter of 31 October 1995 with the FHWA's determination that the Cameron Gates, as an element of the First Los Angeles Aqueduct, does not contribute to the National Register eligibility of that property. I concur with the FHWA's determination that the segment of the aqueduct approximately 800 ft. to the north and 120 to the south of where U.S. Highway 395 crosses over it at Post Mile 65.64, a segment which is part of one of the last sections of the First Los Angeles Aqueduct to have been built (1912–1913), is not an element that contributes to that aqueduct's National Register eligibility.

I acknowledge and agree that the Los Angeles Aqueduct Bridge (California Department of Transportation Bridge No. 48-0014) qualifies for treatment under the 12 December 1980 *Memorandum of Understanding: Bridge Evaluations* as a "standard" bridge type, and I concur with the FHWA's determination that the subject bridge is *not* eligible for inclusion in the National Register.

I concur with the FHWA's determinations that

| | | |
|---------------|--------------|--------------|
| CA-Iny-4656H | CA-Iny-4657H | CA-Iny-4659H |
| CA-Iny-4661/H | CA-Iny-4663 | CA-Iny-4877H |
| CA-Iny-4928H | CA-Iny-5212 | |

are *not* eligible for inclusion in the National Register.

I acknowledge that the FHWA has chosen to reevaluate the eligibility of CA-Iny-3782/H, a property that a 16 April 1991 consensus determination (OHP File No. BLM910313A) found to be *not* eligible for inclusion in the National Register, and I concur that the property remains ineligible for such inclusion.

I request that the FHWA clarify the agency's National Register determinations for CA-Iny-4875H, -4876H, and -4883/H to indicate whether the agency concurs with the opinion of the National Park Service (NPS) in the 1998 *The Archeology of Somewhere: Archeological Testing along U.S. Highway 395; Manzanar National Historic Site, California* (Archeology of Somewhere) that the subject properties are eligible for inclusion in the National Register (p. 184) and with the NPS's supporting opinions (pp. 181 and 182). I also request clarification on

MICHAEL G. RITCHIE
20 SEPTEMBER 2002
PAGE 3 of 4

FHWA020118A

whether the FHWA intends to make a National Register determination on the prehistoric component of CA-Iny-4883/H.

I am interested in knowing whether the FHWA considered the possibility that certain property types within the undertaking's APE, such as CA-Iny-4662/H, -4875H, -4876H, -4881H, -4883/H, and -4924H, may collectively illustrate significant aspects of Owens Valley agricultural history prior to the establishment of the Manzanar War Relocation Center. As a group, these and any other related properties within the APE may warrant further analysis relative to the theme of agriculture and agriculturally-related communities in Owens Valley.

I will defer comment on the FHWA's determinations on the National Register eligibility of CA-Iny-4658/H, CA-Iny-5888, CA-Iny-5882, and CA-Iny-5883 until I receive the complete draft report of the agency's effort to evaluate them.

I will defer comment on CA-Iny-4590H for the present, because I am in ongoing consultation on that property with the FHWA.

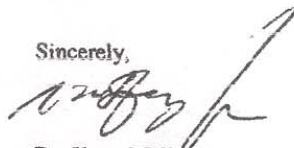
I presently unable to comment on the FHWA's determinations on the National Register eligibility of CA-Iny-5894/H and CA-Iny-5895H, because the evaluations of the properties in the May 2001 *Manzanar U.S. Highway 395 Historic Study Report, Inyo County, California* (HSR) appear, on the basis of the recommendations of the authors of the HSR (p. 37) for further evaluation work, to be incomplete. I request that the FHWA clarify whether and why the agency disagrees with those recommendations.

I am presently unable to comment on the FHWA's determination on the National Register eligibility of CA-Iny-4881H, because the evaluation of the property appears to be incomplete. The text of the site report for the property (pp. 148-153 of *Archeology of Somewhere*) never presents a synthesis of the site data, and I find the statement of the property's National Register significance to be of limited usefulness.

I am unable to comment on the FHWA's determinations on the National Register eligibility of CA-Iny-4660/H and -4662/H, because the present information that appears to be the basis for the eligibility assessments is inadequate. I recommend that the FHWA conduct further archival research or fieldwork to more fully assess the history of each property's identity and use.

Please direct any questions or concerns that you may have to Project Review Unit archaeologist Mike McGuirt at 916.653.8920 or at mmcguirt@ohp.parks.ca.gov.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer



Appendix I National Park Service Letter



United States Department of the Interior

NATIONAL PARK SERVICE
Manzanar National Historic Site
P.O. Box 426
Independence, California 93526-0426

CAL. 121 121
96 JUL 26 1996

IN REPLY REFER TO:

D18
xD30

July 22, 1996

Director, District 9
CALTRANS
500 South Main Street
Bishop, Ca. 93514

Attention: Ms. Katy Walton

Dear Katy,

Please consider this letter as confirmation of previous discussions that I have had with you and other CALTRANS staff, as well as the Inyo County Local Transportation Commission, regarding the development of U.S. 395 contiguous with the proposed national historic site at Manzanar.

Briefly, the results of the general management planning process at Manzanar National Historic Site over the past two years has led us to believe that travel to the park may far exceed initial estimates (200,000 to 250,000 persons per year). We now believe these figures may be exceeded by quite a margin, and we need to rethink - in concert with CALTRANS - how to treat the access for vehicles to the park from U.S. 395. In addition, public input during the planning process overwhelmingly favored the exclusion of vehicle traffic from the historic entrance to the camp (where the two rock sentry posts now stand). Considering these two factors, plus the previous STIP planning by your agency to four-lane that section of U.S. 395 adjacent to the park, we would like to offer the following suggestions for your consideration:


- 1) - The present ROW for U.S. 395 contains cultural resource remains from not only the WWII War Relocation Camp, but the 1900's era Manzanar Community as well (center of the historic town was at the intersection of U.S. 395 and the Manzanar Reward Road). The use of this highway by 5½-6 million persons a year so close to the park creates a level of noise and sight pollution that will prove disturbing to park visitors trying to sense the solitude of Manzanar.
- 2) - If the volume of vehicle traffic exiting U.S. 395 to turn into the park (including rv's, campers, fifthwheels, and towed boats/trailers) is heavy, severe safety problems will occur. Especially with these vehicles leaving a 65MPH speed environment, and decelerating for a 90-degree turn, onto a low-speed park road. If the four-laning of U.S. 395 consisted of two new lanes, located to the east of the present road prism, then present U.S. 395 could become a low-speed frontage road. Access to this frontage road from U.S. 395 could then be designed north or south of the present park proposed boundaries, as part of the STIP package when funding becomes available.

- 1 -

To lessen costs to the state for this ROW change to the east, which your staff "guesstimated" might involve 2.3 to 2.8 miles of roadway, the National Park Service would assist by funding both the archeological and NEPA clearances for the lands involved, out of park operations funds. I believe this could be done in FY 1997, well in advance of your construction timetable.

Please be assured that we will work with you all in every way we can to ensure safe and effective access to the park from U.S. 395. Thanks for allowing us the opportunity join you early on in this planning effort!

Sincerely yours,


Ross R. Hopkins
Superintendent

- 2 -

Appendix J Draft Relocation Impact Report

State of California

Business, Transportation and Housing Agency

Draft Relocation Document

To : BRIAN WINZENREAD
Project Manager – Bishop

Date: August 28, 2001

File: Right of Way
09-Inyo 395-PM 65.0/71.2
(KP 104.6/114.6)

Attention : Truman Denio, Design Manager - Bishop
Mike Donahue, Environ. Manager - Fresno
Juergen Vespermann, Environ. Planner – Fresno

Fed Aid No. N/A
Const. Fed Aid No. N/A

From : Department of Transportation
Right of Way, Central Region – Bishop

EA 09-214400
“Manzanar Four-lane”

Subject : Draft Relocation Impact Report for the project near Independence from 1.0km south of LA Aqueduct Bridge No. 48-14 to 2.9 km south of Mazourka Canyon Road: widen to four-lane expressway. A Statement of No Significant Impact in regard to Relocation Assistance.

1. Purpose of Relocation Impact Study

The purpose of this study, a Statement of No Significant Impact, is to provide the Department of Transportation, local agencies and the public with information as to what effect/impact a proposed 4-lane expressway project would have on residential and non-residential occupants within the proposed project alternatives. Specifically, this report is concerned with potential problems that may be caused by the displacement of existing structures and their occupants by the various proposed alternatives and alignments of this project.

2. Alignments/Alternatives studied

A. Number of Alignments studied: 2

B. Description of Each Alignment Studied:

1. **Alternate 1:** PM 65.0/71.2, widening with new northbound alignment and a 30m median, all to the east.
2. **Alternate 2:** PM 65.0/71.2, widening existing roadway to four-lanes with an all new alignment to the east in the vicinity of the Manzanar Historic Site. The existing two lanes would become a frontage road for the Manzanar Historic Site to be relinquished to the National Park Service.

3. Findings

- A. The estimates prepared for these alternates, as summarized in the Right of Way Data Sheet, showed no relocation assistance was necessary on the alternates studied. Therefore, it has been determined, there is no significant impact to owners, tenants, businesses or persons in possession of real property to be acquired who would qualify for relocation benefits under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.
- B. Any person (individual, family, corporation, partnership, or association) who moves from real property or moves personal property from real property as a result of the acquisition of real property, or who is required to relocate as a result of written notice from the California Department of Transportation from real property required for a transportation project, is eligible for “Relocation Assistance”.

- C. In the event that acquisition of property and relocation becomes necessary, all activities would then be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources shall be available to those who are displaced without discrimination.

4. Uniform Acquisition and Relocation Policy

All displacees will be assigned to a relocation advisor who will see that all payments and benefits are fully utilized and that all regulations are observed. At the time of the first written offer to purchase owner occupants are given a detailed explanation of Caltrans "Relocation Program and Services". Tenant occupants of properties to be acquired are contacted soon after the first written offer to purchase and are also given a detailed explanation of Caltrans "Relocation Program and Services". In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Caltrans will provide relocation advisory assistance to any person, business, farm or non-profit organization displaced as a result of the acquisition of real property for public use.

The undersigned has completed a Draft Relocation Impact Report for this project and recommends approval:

Prepared by: Lora Rischer 8/28/01
LORA RISCHER date
Right of Way Agent
Central Region - Bishop

The undersigned have reviewed and approve this Draft Relocation Impact Report:

Approved by: Nancy D. Escallier 8/30/01
NANCY D. ESCALLIER date
Field Office Chief, Right of Way
Central Region - Bishop

Approved by: Randeem Walter 9/7/01
RANDEEN WALTER date
Regional Division Chief
Central Region Right of Way

Appendix K Comments and Responses on the EA/IS



Gray Davis
GOVERNOR

July 28, 2003

STATE OF CALIFORNIA

Governor's Office of Planning and Research State Clearinghouse



Tal Finney
INTERIM DIRECTOR

Juergen Vespermann
Department of Transportation, District 6
2015 E. Shield Avenue, Suite 100
Fresno, CA 93726

Subject: 09-INY-395-KP 104.6/114.6 (PM 65.0/71.2)
SCH#: 2003061135

Dear Juergen Vespermann:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on July 25, 2003, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2003061135
Project Title 09-INY-395-KP 104.6/114.6 (PM 65.0/71.2)
Lead Agency Caltrans #6

Type Neg Negative Declaration
Description Caltrans proposes to widen U.S. Route 395 to a four-lane divided Expressway near Independence from 1.0 kilometer (0.6 mile) south of the Los Angeles Aqueduct Bridge #48-14 to 2.9 kilometers (1.8 miles) south of Mazourka Canyon Road from KP 104.6 to KP 114.6 (PM 65.0 to PM 71.2) in Inyo County. The proposed project would increase capacity, improve safety and the flow of traffic and provide route continuity.

Lead Agency Contact

Name Juergen Vespermann
Agency Department of Transportation, District 6
Phone 559 243-8171 **Fax**
email
Address 2015 E. Shield Avenue, Suite 100
City Fresno **State** CA **Zip** 93726

Project Location

County Inyo
City
Region
Cross Streets Mzaourka Canyon Road
Parcel No.

| Township | Range | Section | Base |
|----------|-------|---------|------|
| | | | |

Proximity to:

Highways U.S. Highway 395
Airports
Railways
Waterways
Schools
Land Use State Highway, Nearly all land adjacent to U.S. Highway 395 is classified as open-space and is owned by LADWP.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Noise; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6 (Inyo & Mono Region); Department of Parks and Recreation; Office of Emergency Services; California Highway Patrol; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 06/26/2003 **Start of Review** 06/26/2003 **End of Review** 07/25/2003

Note: Blanks in data fields result from insufficient information provided by lead agency

Department of Water and Power



the City of Los Angeles

JAMES K. HAHN
Mayor

Commission
KENNETH T. LOMBARD, *President*
DOMINICK W. RUBALCAVA, *Vice President*
ANNIE E. CHO
SID C. STOLPER
LELAND WONG
JOHN C. BURMAHLN, *Secretary*

DAVID H. WIGGS, *General Manager*
FRANK SALAS, *Chief Administrative Officer*

August 12, 2003

Mr. Juergen Vespermann
Environmental Planning
2015 East Shields Avenue, Suite 100
Fresno, CA 93726

Dear Mr. Vespermann:

Subject: Initial Study/Environmental Assessment
Manzanar Four-Lane Widening Project

The Los Angeles Department of Water and Power (LADWP) has the following comments and concerns on potential impacts regarding the State of California Department of Transportation's (Caltrans) above-noted highway widening project on U.S. Highway 395:

- 1 • Caltrans will need to maintain the integrity of LADWP's current ditches where applicable.
- 2 • Please refer to the enclosed letter dated December 2, 2002 to Nancy Escallier regarding issues of concern with well relocations and right of ways. On page 35 of the initial study, Monitoring Well T561, Caltrans #844, shall be relocated--not abandoned and capped as indicated. Relocation of monitoring wells will require the new monitoring well to be in place one year before abandonment of the old monitoring well to obtain overlap data from both wells. LADWP has other miscellaneous equipment such as rain gauges that may be impacted. The impacted LADWP facilities will be evaluated upon receipt of a preliminary design.
- 3 • Caltrans will need to maintain existing drainage conveyances under U.S. Highway 395. The existing culvert south of Shepherd Creek and north of Manzanar National Historic site shall be designed to accommodate a flow of 30 cfs.
- 4 • The invert of the culverts shall remain identical to existing creek bed elevations to maintain the integrity of these creeks and to prevent down cutting and gradient changes.
- 5 • Will the widening at Manzanar impact the historic runway to the east of the current highway? The total project width at this location is hard to determine from this document. There is no discussion of this possible impact.

Water and Power Conservation ... a way of life

Bishop, California mailing address: 300 Mandich Street, Bishop, CA 93514-3449 Telephone: (760) 872-1104 FAX: (760) 873-0266
111 North Hope Street, Los Angeles, California Mailing address: Box 51111, Los Angeles 90051-0100
Telephone: (213) 367-4211 Cable address: DEWAPOLA

Recyclable and made from recycled waste.



Mr. Jeurgen Vespermann
Page 2
August 12, 2003

- 6** • The U.S. Department of the Interior owns the improved parcel at KP 108.63, on the west side of U.S. Highway 395; it is not leased to Inyo County.
- 7** • A portable batch plant is mentioned in the Initial Study; however, there is no location designated. If you are planning on locating this plant on LADWP land, you or your successful bidder are required to contact our Real Estate office at the address noted below to agree upon a location and obtain a License Agreement specific to portable batch plants.
- 8** • Currently, only federal species are listed in the environmental assessment. Caltrans will need to add/monitor state-listed species of concern (endangered/threatened) around the project area. There are known populations of the Owens Valley checkerbloom (*Sidalcea covillei*) CE – endangered in California, C1, RED-2-3-3, and the Inyo County star-tulip (*Calochortus excavatus*) to the east of the proposed project area. Our staff recently located a new *Calochortus excavatus* site in T14S, R35E, Section 24 in 2003. While this population is located east of the area to be disturbed, the habitat extends to the existing highway. Depending upon which route is chosen, sensitive plant species and habitat on LADWP land may require mitigation.
- 9** • Fish Slough milk vetch is listed as a species of concern; this plant is only found in the Fish Slough area, approximately 60 miles north of the project area.
- 10** • There is an alkali meadow near Georges Creek; this vegetation community is not mentioned under the affected environment.
- 11** • Page 43 indicates common names of willows to be used for revegetation; no scientific names for these species are listed.
- 12** • If the current bridge over the Los Angeles Aqueduct is removed, the bridge should be evaluated for its use by bats as a roost site. These surveys should be done during the appropriate time of year and involve documentation as to the level or type (eg. maternal roost, night roost) of use. If bats use the existing bridge, then appropriate mitigation measures should be implemented. The methods and actions noted in the Olancho/Cartago Four-lane Project Natural Environment Study (NES, June, 2003) under the discussion of bats and the bridge crossing the aqueduct (Section 4.4.14) should be applied to the bridge noted in the Manzanar project. Consideration should be given to making the replacement bridge more bat friendly as described in the NES noted above.
- 13** • If the current bridge over the Los Angeles Aqueduct is removed, there will need to be extensive coordination with LADWP to protect the water supply and to not impact operations.
- 14** • Direct impacts to wildlife species of special concern that occur on the project site could be lessened by conducting vegetation removal during the winter months.

Mr. Juergen Vespermann
Page 3
August 12, 2003

- 15 • On page 46 under section 3.10, Potential Impacts to the Los Angeles Aqueduct and Manzanar National Historic Site, the document indicates that the Historic site is on the east side of U.S. 395. The historical site is on the west side of U.S. Highway 395. The next paragraph of this section indicates that Manzanar Reward Road currently provides the only public access to the Sierra Nevada backcountry. The Manzanar Reward Road provides access to the Inyo Mountain Range.

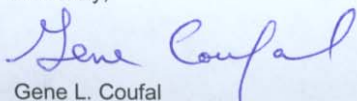
- 16 • On page 63, Environmental Checklist, this document states:
- "Based on the results of the technical studies, it has been determined that the appropriate level of CEQA environmental documentation for this project is an Initial Study/Negative Declaration."

Within the checklist some issues are classified as "Less than significant with mitigation". These classifications qualify this project as a "Mitigated Negative Declaration".

- 17 • Under Appendix A, Environmental Checklist, there is no narrative listed with the issues even though some are classified as "less than significant impact with mitigation". We understand that all issues must have narrative.

Thank you for the opportunity to comment on your project. If you have any questions regarding these comments or concerns, please write to this office at 300 Mandich Street, Bishop, California 93514-3449, attention Real Estate, or you can reach the Real Estate office by phone at (760) 873-0370.

Sincerely,



Gene L. Coufal
Manager
Aqueduct Business Group

Enclosure

c: Mr. Bryan Winzenread
Real Estate

18

December 2, 2002

Ms. Nancy Escallier
Field Office Chief - Right of Way
State of California
Department of Transportation
Central Region - Bishop
500 South Main Street
Bishop, CA 93514

Dear Ms. Escallier:

Subject: Manzanar 4-Lane Project
Meeting Related to Well Relocation

This is a summary of the Los Angeles Department of Water and Power's (LADWP) understanding of the outcome of the meeting held November 14, 2002 between representatives from Caltrans (lead by the project engineer, Mr. Brian Winzenread), and Mr. Don McGhie and Mr. Wayne Hopper, both of my staff, regarding the relocation of wells located between the existing highway and the proposed new right-of-way:

- We are in agreement that wells T622, T136, T136A, V072, and W075 will not be relocated as part of Caltrans' project.
- Six other wells (currently identified as T561, T401, V019GA, V019GB, T811, and T399) will be relocated by LADWP, and Caltrans will reimburse LADWP for the cost to LADWP for relocating the wells.
- Caltrans, at its cost, will improve and/or replace the conveyance pipeline from well W075. The improvements will be constructed to LADWP specifications and standards.
- Caltrans will not acquire the narrow strip of land located between the Manzanar Park (Park) property and the new right-of-way; however, Caltrans will reserve access rights for LADWP via the frontage road located inside the park boundary, which includes access to the Power patrol roads.
- The property boundary between the Park property and LADWP will be fenced by Caltrans, and access gates will be installed by Caltrans for LADWP where requested by LADWP at Caltrans' expense.

CXR

December 2, 2002

Ms. Nancy Escallier
Field Office Chief - Right of Way
State of California
Department of Transportation
Central Region - Bishop
500 South Main Street
Bishop, CA 93514

Dear Ms. Escallier:

Subject: Manzanar 4-Lane Project
Meeting Related to Well Relocation

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- The property boundary between the Park property and LADWP will be fenced by Caltrans, and access gates will be installed by Caltrans for LADWP where requested by LADWP at Caltrans' expense.



Responses to Comments

Response 1: Comment noted. During final design, Caltrans would closely coordinate with the City of Los Angeles Department of Water and Power. The integrity of the current ditch system would be maintained.

Response 2: The suggested change in regards to Monitoring Well T561, Caltrans #844 has been made in Table 3.1 (page 36 of this document) in the Environmental Assessment/Initial Study. Caltrans would meet with Los Angeles Department of Water and Power during final design to determine what additional equipment needs to be relocated.

Response 3: Caltrans plans to maintain the existing drainage conveyance that would provide 0.85 cubic meters per second (30 cubic feet per second) capacity at the drainage south of Shepherd Creek and just north of Manzanar National Historic Site.

Response 4: Drainage system flowlines would meet existing creek flowlines to maintain the integrity of the creeks and to prevent down-cutting and gradient changes.

Response 5: The historic runway of the former Manzanar Airport east of the existing highway would not be affected. The runway is well outside the project impact area and therefore was not discussed in the Environmental Assessment/Initial Study. Information is available in the project Historic Property Survey Report.

Response 6: Comment noted.

Response 7: Comment noted. Caltrans would approve batch plant sites within the right-of-way that operate efficiently while protecting the environment. It would be the obligation of the contractor to obtain necessary license agreements with the Los Angeles Department of Water and Power and environmental approval if the batch plant is located on Los Angeles Department of Water and Power land.

Response 8: A complete list of state and federal listed and candidate species is contained within the Natural Environment Study for the proposed project. Caltrans acknowledges that there are known populations of Owens Valley Checkerbloom (*Sidalcea covillei*) and Inyo County star-tulip (*Calochortus excavatus*) in the vicinity of the proposed project. However, no known populations of these plants are within the proposed realignment of U.S. Route 395. Caltrans, Dames and Moore and Bureau of Land Management biologists have conducted botanical surveys throughout the proposed project area during several years of survey (1993, 1998, 1999, and 2001) and did not identify any populations of the Owens Valley Checkerbloom (*Sidalcea covillei*) and the Inyo County star-tulip (*Calochortus excavatus*).

Caltrans mitigates for habitat for a state-listed plant only if the habitat that is occupied by the species (which this is not) or the habitat that has been designated as critical habitat for the species (which this has not been) is affected. While Caltrans acknowledges the information provided by the Los Angeles Department of Water and Power in regards to the presence of a California state-listed species near the limits of the project area, no plant species has been identified to occur within the proposed project area.

Response 9: Comment noted. It was necessary for Caltrans to address this species in the environmental document because the U.S. Fish and Wildlife Service listed this species as potentially occurring in the project vicinity.

Response 10: Caltrans recognizes the importance of unique habitat types within the project area and listed these areas in the maps attached to the Natural Environment Study.

Response 11: The scientific names of the willow species were inserted in the environmental document.

Response 12/13: At this time, no plans for removal of the existing bridge spanning the aqueduct are part of the project proposal. A new bridge would be constructed next to the existing bridge for northbound traffic.

Response 14: Comment noted.

Response 15: Page 46, Section 3.10, third paragraph states that “Congress established the limits of the National Historic Site on the east side of U.S. Route 395, including the roadway into the historic site.” This statement is correct because the boundaries of the Manzanar Historic Site run on the east side of the existing highway, thereby including the highway into the Historic Site. This statement was directed toward the boundaries of the historic site and not the historic site itself, which is located on the west side of the highway.

Response 16: The document type for the Manzanar project is a Mitigated Negative Declaration. Caltrans refers to mitigation in the Negative Declaration as well as throughout the Environmental Assessment/Initial Study.

Response 17: The narrative for each issue listed in Appendix A, Environmental CEQA Checklist, is contained in the accompanying document. This is true for all “Less than significant impact with mitigation” sections as well as some that have been studied even though no mitigation is required.

Response 18: The content of the December 2, 2002 letter addressed to the Caltrans Right-of-Way department, sent as an attachment to the public comment (August 12, 2003), was noted.

Ellen Hardebeck
Control Officer



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street * Bishop, California 93514 * (760) 872-8211 * Fax (760) 872-6109

August 14, 2003

Mr. Mike Donahue

Southern Sierra Branch

California Department of Transportation

2015 East Shields Avenue, Suite 100

Fresno, CA 93726

Sent by Email transmission to:

Mike_Donahue@dot.ca.gov.

with original to follow by U.S

Postal Delivery

RE: **INITIAL STUDY/ENVIRONMENTAL ASSESSMENT for the Manzanar 4-Lane Widening Project, 09-INY-395 KP104.6 to KP 114.6 (PM 65.0/71.2) 09-214400**

Dear Mr. Donahue:

Great Basin Unified APCD staff appreciates this opportunity to review and comment on the above mentioned project. Our comments are meant as guidance for the California Department of Transportation as Lead Agency and should be incorporated in the Final Mitigated Negative Declaration. Our specific comments are as follows:

Comment _ 1) On page 32 of the Initial Study/Environmental Assessment, 3.3.4 Air Quality, Impacts, states that: "Nuisance dust is generally PM₁₀ or greater in size and is not generally considered a health hazard." The District disagrees with this statement. It would be more accurate to use the term 'fugitive dust' instead of 'nuisance dust,' and state that fugitive dust from construction related activities can cause elevated PM₁₀ levels and may pose air quality problems including soiling of property and adverse health impacts to sensitive individuals.

Comment _ 2) On page 32 of the Initial Study/Environmental Assessment, 3.2.4 Air Quality, Impacts, states that: "Visibility and traffic safety from blowing nuisance dust is the primary concern. Controls for this are specified in Caltrans Standard Specifications and its enforcement would minimize these concerns." What are Caltrans' Standard Specifications?

Comment _ 3) On page 33 and Page 53 of the Initial Study/Environmental Assessment, the document should cite in the final Mitigated Negative Declaration all applicable APCD Prohibitory Rules that apply to activities mentioned in the project description. Specifically, Rule 400-Opacity, Rule 401-Fugitive Dust, and Rule-402 Nuisance. On page 53, paragraph 2, please correct the reference to District Rule 8020, it should refer to District Rule 401 Fugitive Dust. (Ref: <http://www.arb.ca.gov/drdb/gbu/cur.htm>)

Comment _ 4) As a general observation, the District considers this to be a big construction project. Throughout the Initial Study/Environmental Assessment it also mentions that PM₁₀ and fugitive dust emissions are the primary air pollutant of concern. For those reasons mentioned, we

Mr. Mike Donahue
August 14, 2003
Page 2 of 2

feel it would benefit both Caltrans and the District if there were responsible Caltrans personnel on hand to accurately gauge the amount of dust generated and police their own projects along with monitoring the dust suppression activity of their construction contractors. The District would be happy to see that at least one or more Caltrans supervisors receive a certificate of training in EPA's Method 9, Visible Emission Evaluation techniques (Smoke School). This course is given by CARB on a regular basis (Ref: http://www.arb.ca.gov/training/100_1.htm).

Comment _ 5) On page 53 of the Initial Study/Environmental Assessment, 3.14 Construction Activities, states that: "Portable concrete plants are associated with this project. The operator of these plants will comply with all environmental requirements." Thank you for informing the District that Stationary Equipment may have a role in the project. The District wants to avoid potential permitting delays with other types of equipment that may be involved. Therefore, is an aggregate crushing and screening plant, or asphalt plant also proposed for operation within Caltrans' Right-of-Way? If so, these pollution sources should also be identified in the Initial Study/EA.

Comment _ 6) On page 32 and page 53 of the Initial Study/Environmental Assessment, it should be pointed out that this project location is frequently subject to very high wind events. During an earlier highway 395 construction project near Lone Pine, high wind episodes caused several closures of the highway due to blowing dust. The District would like to know what additional precautions are planned in the event of high winds, especially for wind events occurring while construction activity has concluded for the weekend and holiday periods?

Thank you for the opportunity to comment on the **INITIAL STUDY/ ENVIRONMENTAL ASSESSMENT for the Manzanar 4-Lane Widening Project, 09-INY-395 KP104.6 to KP 114.6 (PM 65.0/71.2) 09-214400.** Please continue to forward all future material to the District. If the staff can be of further assistance please do not hesitate to call the District.

Sincerely,

Signed by Larry Cameron

Larry Cameron
Air Pollution Specialist
cameron93514@yahoo.com

Response 1: . . . *fugitive dust from construction related activities can cause elevated PM₁₀ levels and may pose air quality problems including soiling of building and adverse health impacts to sensitive individuals.* This statement was added to the environmental document in Chapter 3.3.2.

Response 2: The applicable section in Caltrans' Standard Specifications can be found under: Section 10 of the Standard Specifications, titled "Dust Control," as well as Section 7, part 7-1.01F, titled "Legal Responsibilities: Air Pollution Control." A reference to these standard specifications was added to the document in chapter 3.3.3.

Response 3: A summary of the standard specifications and a reference to the mentioned resources was added to the environmental document in chapter 3.3.3 (Rule 400–Opacity, Rule 401-Fugitive Dust, and Rule-402 Nuisance (Ref: <http://www.arb.ca.gov/drdb/gbu/cur.htm>).

Response 4: Caltrans policy is and has been that the resident engineer is responsible for the monitoring of the fugitive dust levels from the project. The construction inspectors assigned to the project also monitor and report to the resident engineer site conditions that may be hazardous, dangerous, or in violation of local air, noise, or water requirements. The offer to include Caltrans staff in Environmental Protection Agency training is appreciated, but not practical due to the time required to become certified and the rotational nature of construction staff.

Response 5: An aggregate crushing and screening plant is currently not proposed within the Caltrans right-of-way. The material would be brought in from an existing plant, which would adhere to air quality standards. However, there is the potential benefit for having the ability to have such a plant in the right-of-way, and the environmental document was changed to reflect this.

Response 6: Currently, the dust treatment is the responsibility of the contractor. The special provisions contain language on dust control. The contractor and Caltrans are responsible for safety of traffic and public during construction. Contractors are expected to respond to the dust issue by having personnel on call and take appropriate action throughout the length of the contract including on weekends. Caltrans would stress the importance of dust-related problems during the pre-construction meetings to the contractor. In addition to water treatments during the workweek, the contractor would be advised to pay special attention to water treatment of exposed areas on the last workday before a weekend or holiday.



STATE OF CALIFORNIA--THE RESOURCES AGENCY

Gray Davis, Governor

DEPARTMENT OF FISH AND GAME

Eastern Sierra-Inland Deserts Region

Bishop Field Office

407 W. Line Street

Bishop, CA 93514

<http://www.dfg.ca.gov>



August 15, 2003

Mr. Juergen Vespermann
Department of Transportation
2015 E. Shields Ave., Suite 100
Fresno, CA 93726

Subject: Manzanar Four-Lane Improvement Project on U.S. Route 395

Dear Mr. Vespermann:

The Department of Fish and Game (Department) has reviewed the Initial Study (IS)/Environmental Assessment (EA) and proposed Negative Declaration (ND) for the above mentioned project. The proposed project includes the widening of U.S. Route 395 to a 4-lane divided expressway near Independence from 0.6 miles south of the L.A Aqueduct to 1.8 miles south of Mazourka Canyon Road in Inyo County.

The Department is providing comments on the IS/EA and proposed ND as the State agency that has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code §1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)) and a Responsible Agency regarding any discretionary actions (CEQA Guidelines §15381) required by the Department. The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

- 1 Although the analysis indicates that a search of the CNNDDB was completed to aid in identifying sensitive species that may occur in the project vicinity, Table 3.2, which is supposed to contain a list of these potential species, appears to only include Federal species of concern.
- 2 An analysis of potential impacts to State special status species should also be completed. The project, as described, has the potential to impact riparian habitat. An analysis of potential impacts to nesting riparian birds should be completed and appropriate mitigation adopted to avoid impacts. Paragraph 3, page 32 contains the following statement "No sensitive species other than the described birds were observed..." The only described birds were those

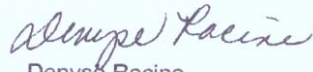
3

contained in Table 3.2. It is unclear what species, if any, were observed. Therefore the Department is unable to determine if the project analysis is adequate for those species.

4

In conclusion, the proposed IS/ND should be revised to include an adequate analysis of potential impacts to biological resources and appropriate mitigation to reduce any impacts identified in the analysis. Thank you for the opportunity to comment on the proposed project. Questions regarding this letter should be directed to Ms. Adrienne Disbrow, Environmental Scientist, at (760) 873-4412.

Sincerely,



Denyse Racine
Senior Wildlife Biologist
Habitat Conservation Program

cc: Adrienne Disbrow, CDFG
State Clearinghouse, Sacramento

Response 1: A complete list of state and federal listed and candidate species is contained within the Natural Environment Study for the proposed project. The California Natural Diversity Database was consulted, and no impacts to state listed species were determined. In addition, coordination between the California Department of Fish and Game and Caltrans took place during the field surveys and completion of the Initial Study/Environmental Assessment and Natural Environment study. Contacted personnel at the Department of Fish and Game were Roxanne Bittman, Denyse Racine and Steve Parmeter.

Caltrans informed the public and public agencies via mail, public notices and announcements in the newspaper of the availability of the Initial Study/Environmental Assessment and technical studies including the Natural Environment Study.

The Initial Study/Environmental Assessment concentrated on areas with potential environmental impacts rather than listing every species. This analysis was done during the preparation of the Natural Environment Study. If necessary, Caltrans can provide the Department of Fish and Game with a copy of the Natural Environment Study to show a detailed discussion of state species.

However, language was added to the Initial Study/Environmental Assessment referring to the Natural Environment Study and explicitly mentioning that no state special-status species would be negatively impacted.

Response 2: Impacts to minor amounts of riparian habitat were addressed in the Natural Environment Study and the Initial Study/Environmental Assessment. Caltrans will work outside the nesting season in the riparian areas and will perform a survey before construction to make sure that no nesting birds will be disturbed.

However, the following language has been added to the final environmental document to assure that no migratory birds would be disturbed during construction:

Migratory birds may try to nest on the ground, on structures or in trees, shrubs or other vegetation within the project limits. The Contractor may choose to use appropriate exclusion techniques to avoid nesting season delays. The Contractor shall notify the Engineer 15 working days prior to beginning any ground or vegetation disturbing work between February 15 and September 1. The Engineer will request a pre-construction survey by the Department's Biologist prior to the beginning of work between February 15 and September 1. If evidence of bird nesting is discovered, the Contractor shall not disturb the nesting birds or the nest until the birds have left the nest. If evidence of migratory bird nesting is discovered after beginning work, the Contractor shall immediately stop work and notify the Engineer.

Response 3: Caltrans did state in the Natural Environment Study and added to the Initial Study/Environmental Assessment that no resident nesting state-listed species were observed during the surveys for this project and therefore does not expect any impacts to state-listed species. However, since migratory state listed birds could potentially migrate through the project area at any given time surveys will be conducted before any work will be done in the relevant areas.

Response 4: Caltrans added to the Initial Study/Environmental Assessment the reference to the state-listed species and determined that an adequate analysis of potential impacts to biological resources in the project area has been completed.

Appendix L SHPO Concurrence Letter on Findings of Adverse Effects

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

OFFICE OF HISTORIC PRESERVATION DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



13 February 2004

In Reply Refer To
FHWA020118A

David A. Nicol
Acting Division Administrator
California Division
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

RE: HDA-CA, FILE NO. 09-INY-395, KP 104.9/114.6, MANZANAR FOUR-LANE [FURTHER SECTION 106 CONSULTATION ON AN UNDERTAKING TO UPGRADE U.S. HIGHWAY 395 NEAR MANZANAR, INYO COUNTY, CALIFORNIA]

Dear Mr. Nicol,

This letter is a response to the effort of the California Department of Transportation (Caltrans) to provide, on behalf of the Federal Highway Administration (FHWA), the additional information that I requested of the FHWA on 14 November 2004. Caltrans submits the January 2004 *Revised Finding of Adverse Effect, Manzanar Four-Lane Upgrade Project, U.S. 395, Inyo County, California* (Revised Finding of Effect) in fulfillment of that request. Thank you for coordinating the submission of this information.

The FHWA indirectly requests, through a 4 February 2004 letter from Tom Mills, Caltrans District 9 Associate Environmental Planner, Archaeology, that I conclude my review and provide comment "pursuant to 36 CFR § 800.5(a), 800.6(b)(iv), and 800.6(a)." I understand this request to refer to the FHWA's prior 25 June 2003 request that I

- (1) concur with the FHWA's finding that the undertaking will adversely affect historic properties pursuant to 36 CFR § 800.5(a),
- (2) review and provide comment, pursuant to 36 CFR § 800.6(b)(iv), on the undated *Draft Memorandum of Agreement between the Federal Highway Administration and the California State Historic Preservation Officer, Pursuant to 36 CFR § 800.8(e)(4) Regarding the Manzanar Four-Lane Upgrade Project on U.S. Highway 395, Inyo County, California* (Draft MOA), and
- (3) review and provide comment, pursuant to 36 CFR § 800.6(a), on the 11 April 2003 draft *Treatment Plan for Archaeological sites CA-Iny-4658/H, CA-Iny-5883, CA-Iny-5888, and CA-Iny-5894/H, along U.S. Highway 395 in Owens Valley, Inyo County, California* (Draft Treatment Plan).

I concurred on 14 November 2003 with the FHWA's finding that the subject undertaking will adversely affect historic properties pursuant to 36 CFR § 800.5(d)(2).

The undated *Revised Draft Memorandum of Agreement between the Federal Highway Administration and the California State Historic Preservation Officer, Pursuant to 36 CFR § 800.8(e)(4) Regarding the Manzanar Four-Lane Upgrade Project on U.S. Highway 395, Inyo County, California* that is Attachment 6 to the Revised Finding of Effect is currently under review.

I now agree that the implementation of the Draft Treatment Plan would in part mitigate the proposed undertaking's adverse effects on archaeological sites CA-Iny-4658/H, CA-Iny-5883, and CA-Iny-5888.

Please direct any questions that you may have to Project Review Unit archaeologist Mike McGuirt at 916.653.8920 or at mmcguirt@ohp.parks.ca.gov.

DAVID A. NICOL
13 FEBRUARY 2004
PAGE 2 of 2

FHWA020118A

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

WKM:mdm

Appendix M Memorandum of Agreement Between FHWA and SHPO

MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE MANZANAR FOUR-LANE UPGRADE PROJECT
ON U.S. HIGHWAY 395 BETWEEN KILOMETER POST 104.9 AND 114.6 (PM 65.2/71.2),
INYO COUNTY, CALIFORNIA

WHEREAS, the Federal Highway Administration (FHWA) has determined that the widening and upgrade of U.S. Highway 395 between kilometer post 104.9 and 114.6 (PM 65.2/71.2) in Inyo County, California (Undertaking) will adversely affect archaeological sites CA-INY-4658/H, CA-INY-5883, and CA-INY-5888, properties determined through consensus to be eligible for listing in the National Register of Historic Places (National Register) (historic properties); and

WHEREAS, FHWA has consulted with the California State Historic Preservation Officer (SHPO) in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA), and has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding pursuant to 36 CFR §800.6 (a) (1); and

WHEREAS, FHWA, in consultation with the SHPO, has thoroughly considered alternatives, has determined that adverse effects to archaeological sites CA-INY-4658/H, CA-INY-5883, and CA-INY-5888 cannot be avoided, that implementation of the treatment prescribed in Stipulation I.A. of this Memorandum of Agreement (MOA) will satisfactorily take into account the Undertaking's adverse effects on these historic properties, and that it is in the public interest to take the Undertaking's effects on these sites into account through the recovery of significant information; and

WHEREAS, FHWA, in consultation with the SHPO, has determined that the Undertaking may adversely affect sites CA-INY-4660/H and CA-INY-5894/H, but that implementing and enforcing the measures set forth in Stipulation I.B. of this MOA will satisfactorily avoid potential adverse effects of the Undertaking to these historic properties; and

WHEREAS, FHWA and SHPO have agreed that National Register evaluation of site CA-INY-4662/H and any treatment of this site that may be required, shall be carried out in accordance with Stipulation I.C. of this MOA; and

WHEREAS, The California Department of Transportation (Caltrans) participated in the consultation and has been invited to concur in this MOA; and

WHEREAS, FHWA has consulted with the Fort Independence Paiute Tribe (Tribe) regarding the proposed Undertaking and its effect on historic properties, will continue to consult with the Tribe, and will afford the Tribe, should the Tribe so desire, the opportunity to participate in the implementation of this MOA and of the Undertaking;

NOW, THEREFORE, FHWA and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties and further agree that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. TREATMENT OF HISTORIC PROPERTIES

A. FHWA shall ensure that the adverse effect of the Undertaking on archaeological sites CA-INY-4658/H, CA-INY-5883, and CA-INY-5888, is resolved in part by implementing and completing the *Treatment Plan For Archaeological Sites CA-INY-4658/H, CA-INY-5883, and CA-INY-5888, Along U.S. Highway 395 In Owens Valley, Inyo County, California* (Treatment Plan), which is Attachment 1 to this MOA.

B. FHWA shall ensure that the potentially adverse effect of the Undertaking on archaeological sites CA-INY-4660/H and CA-INY-5894H is avoided by establishing an Environmentally Sensitive Area (ESA) around each site and by ensuring that all construction phases of the Undertaking are monitored by a person or persons who at a minimum meets the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738-39) (PQS – See definition of “PQS” in Stipulation VI.A.1., below) for archaeology. An ESA shall consist of a physical barrier that shall remain in place during all phases of construction and that shall be described in information included in the final construction plans for the Undertaking.

C. FHWA shall ensure that archaeological site CA-INY-4662/H is addressed as follows during all construction phases of the Undertaking:

- (1) Construction activities in the area of CA-INY-4662/H will be monitored by a person or persons who at a minimum meets the PQS for archaeology;
- (2) If as yet undocumented archaeological materials comprising this site are discovered during construction, the monitor will halt construction;
- (3) FHWA will ensure that a person or persons who at a minimum meets the PQS for archaeology evaluates the site using the National Register criteria;
- (4) If FHWA determines that CA-INY-4662/H meets the National Register criteria, FHWA will promptly notify SHPO of this determination and thereupon will resolve any adverse effect of the Undertaking on this site in accordance with 36 CFR § 800.13(b)(3);
- (5) If FHWA determines that this site does not meet the National Register criteria, FHWA will forward all documentation regarding this determination to SHPO for comment. SHPO shall be afforded 48 hours following receipt of such documentation to provide FHWA with comments. Failure of SHPO to comment within this time frame shall not preclude FHWA from proceeding as it may deem appropriate. If SHPO concurs in the FHWA determination, then CA-INY-4662/H will receive no further consideration under this MOA. If SHPO does not concur in the FHWA determination, then FHWA shall recover from CA-INY-4662/H a sample of data sets that could demonstrate how and why this site might qualify for inclusion in the National Register under Criterion D.

1 D. FHWA will not authorize any Undertaking-related activity that it determines could result in an adverse
2 effect to historic properties to proceed until the requirements set forth in paragraphs A. and B. of this
3 stipulation have been met.

4
5 E. Amendment of the Treatment Plan as set forth hereunder will not require amendment of this MOA.
6
7

8 **II. NATIVE AMERICAN CONSULTATION**
9

10 FHWA has consulted with the Tribe regarding the proposed Undertaking and its effect on historic
11 properties, will continue to consult with the Tribe, and will afford the Tribe, should the Tribe so desires,
12 the opportunity to participate in the implementation of the MOA and of the Undertaking. Such
13 participation may include, but is not necessarily limited to, monitoring during any archaeological
14 fieldwork prescribed in Stipulation I., and during implementation of the Undertaking. Should the Tribe
15 agree to participate as herein set forth, FHWA will make an effort to reach a mutually acceptable
16 agreement with the Tribe regarding the manner in which the Tribe will participate in the implementation
17 of this MOA and the Undertaking, and regarding any time frames or other matters that may govern the
18 nature, scope, and frequency of such participation.
19

20 **III. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN**
21

22 The parties to this MOA agree that Native American burials and related items discovered during
23 implementation of the terms of the MOA and of the Undertaking will be treated in accordance with the
24 requirements of § 7050.5(b) of the California Health and Safety Code. If, pursuant to § 7050.5(c) of the
25 California Health and Safety Code, the county coroner/medical examiner determines that the human
26 remains are, or may be of Native American origin, then the discovery shall be treated in accordance with
27 the provisions of § 5097.98(a)-(d) of the California Public Resources Code. FHWA will ensure that, to
28 the extent permitted by applicable law and regulation, the views of the Tribe and the Most Likely
29 Descendant(s) are taken into consideration when decisions are made about the disposition of other Native
30 American archaeological materials and records.
31
32

33 **IV. REPORTING REQUIREMENTS**
34

35 A. Within eighteen (18) months after FHWA has determined that all fieldwork required by Stipulation I.
36 has been completed, FHWA will ensure preparation, and concurrent distribution to the other parties
37 and to the Tribe should the Tribe so request, of a written draft technical report that documents the
38 results of implementing the requirements of Stipulation I.A. – C., inclusive. The reviewing parties
39 will be afforded 30 days following receipt of the draft technical report to submit any written
40 comments to FHWA. Failure of these parties to respond within this time frame shall not preclude
41 FHWA from authorizing revisions to the draft technical report as FHWA may deem appropriate.
42 FHWA will provide the reviewing parties with written documentation indicating whether and how
43 the draft technical report will be modified in accordance with any reviewing party comments. Unless
44 the reviewing parties object to this documentation in writing to the FHWA within 30 days following
45 receipt, FHWA may modify the draft technical report as FHWA may deem appropriate. Thereafter,
46 FHWA may issue the technical report in final form and distribute this document in accordance with
47 Paragraph B. of this stipulation.
48

1 B. Copies of the final technical report documenting the results of implementing the requirements of
2 Stipulation I.A. – C., inclusive, will be distributed by FHWA to the other parties, to the Tribe, and to
3 the appropriate California Historical Resources Information Survey (CHRIS) Regional Information
4 Center, subject to the terms of stipulation VI.B.
5

6 C. FHWA shall ensure that a written draft document that communicates in lay terms the results of
7 implementing the requirements of Stipulation I.A. – C., inclusive, to members of the interested
8 public, is distributed for review and comment concurrently with and in the same manner as that
9 prescribed for the draft technical report prescribed by Paragraph A. of this stipulation. If the draft
10 document prescribed hereunder is a publication such as a report or brochure, then such publication
11 shall upon completion be distributed by FHWA to the other parties, to the Tribe, and to any other
12 entity that the parties and the Tribe through consultation may deem appropriate, subject to the terms
13 of Stipulation VI.B.
14
15

16 V. DISCOVERIES AND UNANTICIPATED EFFECTS 17

18 If FHWA determines during implementation of the Treatment Plan or after construction of the
19 Undertaking has commenced, that either the Treatment Plan or the Undertaking will affect a previously
20 unidentified property that may be eligible for the National Register, or affect a known historic property in
21 an unanticipated manner, FHWA will address the discovery or unanticipated effect in accordance with
22 those provisions of the Treatment Plan that relate to the treatment of discoveries and unanticipated
23 effects. FHWA at its discretion may hereunder assume any discovered property to be eligible for
24 inclusion in the National Register. FHWA compliance with this stipulation shall satisfy the requirements
25 of 36 CFR § 800.13(a)(2). However, this stipulation does not apply to archaeological site CA-INY-
26 4662/H because that property is being addressed separately as prescribed by Stipulation I.C.
27
28

29 VI. ADMINISTRATIVE STIPULATIONS 30

31 A. STANDARDS 32

- 33 1. Professional Qualifications. All activities prescribed by stipulations I., III., IV., and V. of this
34 MOA shall be carried out under the authority of FHWA by or under the direct supervision of
35 a person or persons meeting at a minimum the Secretary of Interior's Standards *Professional*
36 *Qualifications Standards* (48 FR 44738-39) (PQS) in the appropriate disciplines. However,
37 nothing in this stipulation may be interpreted to preclude FHWA or any agent or contractor
38 thereof from using the properly supervised services of persons who do not meet the PQS.
39
- 40 2. Historic Preservation Standards. All activities prescribed by stipulations I., III., IV., and V. of
41 this MOA shall reasonably conform to the *Secretary of Interior's Standards and Guidelines*
42 *for Archaeology and Historic Preservation* (48 FR 44716-44740) as well as to applicable
43 standards and guidelines established by SHPO.
44
- 45 3. Curation and Curation Standards. FHWA shall ensure that, to the extent permitted under
46 §§ 5097.98 and 5097.991 of the California Public Resources Code, the materials and records
47 resulting from the activities prescribed by stipulations I., III., IV., and V. of this MOA are
48 curated in accordance with 36 CFR Part 79.

B. CONFIDENTIALITY

The parties to this MOA and the Tribe acknowledge that historic properties covered by this MOA are subject to the provisions of § 304 of the National Historic Preservation Act of 1966 and § 6254.10 of the California Government Code (Public Records Act) relating to the disclosure of archaeological site information and having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with § 304 of the National Historic Preservation Act of 1966 and § 6254.10 of the California Government Code.

C. RESOLVING OBJECTIONS

1. Should any party to this MOA or the Tribe object at any time to the manner in which the terms of this MOA are implemented, or to any action carried out or proposed with respect to implementation of the MOA (other than the Undertaking itself) or to any documentation prepared in accordance with and subject to the terms of this MOA, FHWA shall immediately notify the other parties to this MOA and the Tribe of the objection and consult with the objecting party, the other parties to the MOA and the Tribe for no more than 14 days to resolve the objection. FHWA shall reasonably determine when this consultation will commence. If the objection is resolved through such consultation, the action in dispute may proceed in accordance with the terms of that resolution. If, after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, then FHWA shall forward all documentation relevant to the objection to the ACHP, including FHWA's proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:
 - a. advise FHWA that the ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly; or
 - b. provide FHWA with recommendations, which FHWA will take into account in reaching a final decision regarding its response to the objection; or
 - c. notify FHWA that the objection will be referred for comment pursuant to 36 CFR § 800.7(a)(4), and proceed to refer the objection and comment. FHWA shall take the resulting comments into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA.
2. Should the ACHP not exercise one of the following options within 30 days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection.
3. FHWA shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection. FHWA's responsibility to carry out all other actions under this MOA that are not the subject of the objection will remain unchanged.

4. FHWA shall provide all parties to this MOA, the Tribe, and the ACHP when the ACHP has issued comments hereunder, with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
5. FHWA may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.
6. At any time during implementation of the measures stipulated in this MOA, should an objection pertaining to such implementation be raised by a member of the public, FHWA shall notify the parties to the MOA and the Tribe in writing of the objection and take the objection into consideration. FHWA shall consult with the objecting party and, if the objecting party so requests, with Caltrans, the Tribe, and SHPO for no more than 15 days. Within ten (10) days following closure of this consultation period, FHWA will render a decision regarding the objection and notify all consulting parties of its decision in writing. In reaching its decision, FHWA will take into account any comments from the consulting parties regarding the objection, including the objecting party. FHWA's decision regarding the resolution of the objection will be final. FHWA may authorize any action subject to objection under this paragraph to proceed after the objection has been resolved in accordance with the terms of this paragraph.

D. AMENDMENTS

1. Any party to this MOA or the Tribe may propose that this MOA be amended, whereupon the parties to this MOA and the Tribe will consult for no more than 30 days to consider such amendment. The amendment process shall comply with 36 CFR §§ 800.6(c)(1) and 800.6(c)(7). This MOA may be amended only upon the written agreement of the signatory parties. If it is not amended, this MOA may be terminated by either signatory party in accordance with Stipulation VI.E.
2. Attachment 1 may be amended through consultation among the parties and the Tribe without amending the MOA proper.

E. TERMINATION

1. If this MOA is not amended as provided for in Stipulation VI.D., or if either signatory party proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify the other parties to this MOA and the Tribe, explain the reasons for proposing termination, and consult with the other parties and the Tribe for at least 30 days to seek alternatives to termination. Such consultation shall not be required if FHWA proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR § 800.16(y).
2. Should such consultation result in an agreement on an alternative to termination, then the parties and the Tribe shall proceed in accordance with the terms of that agreement.
3. Should such consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other parties to this MOA and the Tribe in writing.

Termination hereunder shall render this MOA without further force or effect.

4. If this MOA is terminated hereunder, and if FHWA determines that the Undertaking will nonetheless proceed, then FHWA shall either consult in accordance with 36 CFR § 800.6 to develop a new MOA or request the comments of the ACHP pursuant to 36 CFR Part 800.

F. DURATION OF THE MOA

1. Unless terminated pursuant to Stipulation VI.E., or unless it is superceded by an amended MOA, this MOA will be in effect following execution by the signatory parties until FHWA, in consultation with the other parties and the Tribe, determines that all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day that FHWA notifies the other parties and the Tribe in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.
2. The terms of this MOA shall be satisfactorily fulfilled within four (4) years following the date of execution by SHPO. If FHWA determines that this requirement cannot be met, the parties to this MOA and the Tribe will consult to reconsider its terms. Reconsideration may include continuation of the MOA as originally executed, amendment or termination. In the event of termination, FHWA will comply with Stipulation VI.E.4 if it determines that the Undertaking will proceed notwithstanding termination of this MOA.
3. If the Undertaking has not been implemented within four (4) years following execution of this MOA by SHPO, this MOA shall automatically terminate and have no further force or effect. In such event, FHWA shall notify the other parties and the Tribe in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800.

G. EFFECTIVE DATE

This MOA will take effect on the date that it has been executed by SHPO.

EXECUTION of this MOA by FHWA and SHPO, its transmittal by FHWA to the ACHP in accordance with 36 CFR § 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR § 800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(1) of the NHPA, and shall further evidence that FHWA has afforded the ACHP an opportunity to comment on the Undertaking and its effect on historic properties, and that FHWA has taken into account the effects of the Undertaking on historic properties.

1 SIGNATORY PARTIES:

2
3 Federal Highway Administration

4
5
6
7 For

8 Gene K. Fong
9 Division Administrator
10 California Division

04/29/04
Date

11
12
13 California State Historic Preservation Officer

14
15
16
17 Stephen M. Mikesell
18 Acting State Historic Preservation Officer

5/3/04
Date

19
20
21 CONCURRING PARTY:

22
23 California Department of Transportation

24
25
26 Thomas P. Hallenbeck
27 Director, District 9, Bishop

5/11/04
Date